

THIRD DIVISION

[A.M. No. P-03-1740, September 17, 2003]

FRANKLIN Q. SUSA, CLERK OF COURT, BRANCH 27, REGIONAL TRIAL COURT, MANILA, COMPLAINANT, VS. TEOFILA A. PEÑA, COURT STENOGRAPHER III, BRANCH 27, REGIONAL TRIAL COURT, MANILA, RESPONDENT.

DECISION

PANGANIBAN, J.:

Once more, the Court exhorts judicial officials and employees to render efficient and effective service, to avoid delay in the performance of duties, and to uphold public trust at all times.

The Case and the Facts

In a verified Affidavit-Complaint^[1] dated October 25, 2002, Franklin Q. Susa, branch clerk of court of the Regional Trial Court (RTC) of Manila, Branch 27, charged Teofila Peña -- former clerk III and now stenographer III of the same court -- with serious neglect of duty, inefficiency and incompetence in the performance of official duty, conduct prejudicial to the best interest of the service, and violation of Sections 4 and 5 of the Code of Conduct and Ethical Standards for Public Officials and Employees (RA 6713).

The Office of the Court Administrator (OCA) summarized the allegations of complainant in this wise:

"Complainant alleges that he ordered an inventory of the cases at RTC, Branch 27. In the course thereof, appealed cases already completed and for transmittal were found not to have been transmitted and other cases not acted upon. Also, bunches/files of pleadings, communications which should have been stapled or attached to the respective expediente/record for perusal/action of the Court were likewise uncovered, to the prejudice of the parties concerned, and hampered the smooth and orderly operation of the court.

"Complainant contends that there is a deliberate intent to conceal the cases and pleadings to prevent discovery during the inventory. In the course of the inventory, cases, transcripts and pleadings were found in places where they should not be. It is claimed that while Utility Worker Alejandro T. Paas was seated at the place of respondent Peña, he tried to move the footrest below her table which was unusually heavy. Upon examination it was found that bunches/files of pleadings and communications were underneath said foot rest.

"Also, Mr. Venancio V. Angot, Process Server, reported that transcripts of stenographic notes were surreptitiously placed in his drawer which were not there the day before[.] Mr. Victor Y. Serafio, Legal Researcher, related that Mrs. Peña x x x asked permission to place records in his cabinet.

"Complainant further states that this is not the first time there were appealed cases unacted upon and pleadings and communications unattached to the records that were uncovered, for which Mrs. Peña was but admonished."^[2]

In a Memorandum^[3] dated September 16, 2002, complainant directed respondent to show cause why she should not be charged administratively. Notwithstanding her receipt of this Memorandum, she failed to comply with his directive.

In its 1st Indorsement^[4] dated November 13, 2002, the OCA required respondent to comment on the Complaint. On December 12, 2002, she filed her Comment,^[5] admitting the acts imputed to her but pleading for a "second chance."

The OCA summed up respondent's Comment as follows:

"She professes that it was not her intention to delay the transmittal of the appealed cases. Due to pressure of work, she initially set aside transmittal of appealed cases and attended to other work to be done. Respondent claims that she is sickly. A medical certificate attesting to her condition is attached to her comment.

"She claims that she did not tell her superiors about her condition for fear that they would `get mad' at her.

"She prays for a `second chance' with the promise `that [these] incidents will never happen again."^[6]

Evaluation and Recommendation of the OCA

The OCA observed that the circumstances in this case pointed to the fact that respondent had surreptitiously hidden the records of cases, pleadings and communications in places that were known only to her, and that could not be located easily.

Accordingly, the OCA recommended that respondent "be held administratively liable as charged and be meted the penalty of three (3) months suspension from office, with a stern warning that repetition of the same or similar acts would be dealt with more severely."^[7]

The Court's Ruling

We accept the findings of the OCA but modify the recommendation in regard to the penalty.

Administrative Liability

The conduct of every person connected with the administration of justice, from the presiding judge to the lowest clerk, is circumscribed with a heavy burden of responsibility.^[8] A public office is a public trust.^[9] Since public officers are accountable to the people at all times,^[10] they must strictly perform their duties and responsibilities.^[11] As the administration of justice is a sacred task, this Court condemns any omission or act that may diminish the faith of the people in the judiciary.^[12]

According to respondent, she had no intention of delaying the transmittal of the appealed cases. However, supposedly because of the heavy pressure of her work and her sickly condition, she had to set aside the preparation of the transmittals. Consequently, she forgot all about them.

We find the explanation of respondent too insubstantial to excuse her from administrative liability. We have ruled that failure to transmit the records of a case constitutes negligence and warrants disciplinary action.^[13] For judges, undue delay in transmitting the records of a case constitutes a less serious charge.^[14] For clerks of court, on the other hand, failure or delay to transmit records of a case has warranted penalties ranging from admonition^[15] to a fine of P1,000^[16] to P5,000^[17] to one-month suspension.^[18] The prompt transmittal of the records of appealed cases to the appellate court is required to ensure the speedy disposition of cases.^[19] For this reason alone, respondent should already be sanctioned administratively.

If she really had difficulty in performing her obligations because of the heavy pressure of work, she could have easily relayed her dilemma to the branch clerk of court. Instead, she compounded her liability by keeping court documents in places known only to her. Such action was aggravated by her intentional refusal to disclose to her superiors -- including the branch clerk of court -- the status of the transmittals that she was supposed to accomplish.

Complainant avers that respondent intentionally and maliciously hid the documents, but he has failed to support this allegation with evidence. In administrative proceedings, complainants have the burden of proving by substantial evidence the allegations in their complaints.^[20] Substantial evidence in an administrative case consists of that amount of relevant evidence which a reasonable mind might accept as adequate to justify a conclusion.^[21] In the present case, other than the bare allegations of complainant, no evidence was presented before the OCA to show that the documents had been covertly and maliciously hidden by respondent.

While there is no substantial evidence that respondent was intentionally hiding these documents, the fact remains that they should not have been kept in the places where they were discovered. If she was not really hiding these documents, she should have at the very least exercised more prudence in their care and custody, as they represented the pleadings of the parties and the proceedings of the court.

At bottom, the Court notes that respondent does not deny the charges hurled against her by her own branch clerk of court. Instead, she begs for this Court's indulgence and asks for a "second chance." Although she tries to justify her delay in