



Republic of the Philippines  
Supreme Court  
Manila

SUPREME COURT OF THE PHILIPPINES  
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**RECORDED**  
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EN BANC

**ENGR. DARWIN A. RECI,**  
Complainant,

**A.M. No. P-17-3763**  
[Formerly OCA IPI No. 14-4320-P]

Present:

SERENO, C.J.,\*  
CARPIO,\*\*  
VELASCO, JR.,\*\*\*  
LEONARDO-DE CASTRO,  
PERALTA,  
BERSAMIN,  
DEL CASTILLO,  
PERLAS-BERNABE,  
LEONEN,  
JARDELEZA,  
CAGUIOA,  
MARTIRES,  
TIJAM,  
REYES, JR.,\*\*\* and  
GESMUNDO, JJ.

- versus -

**ATTY. EMMANUEL P.  
VILLANUEVA, Former Clerk of  
Court V and SONIA S. CARREON,  
Former Court Stenographer III, both  
of the Regional Trial Court of Manila,  
Branch 9,**

Respondents.

Promulgated:

November 21, 2017

*Emmanuel P. Villanueva*

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\* On leave.

\*\* Designated Acting Chief Justice per Special Order No. 2519 dated November 21, 2017.

\*\*\* On official leave.

## DECISION

### ***PER CURIAM:***

This case stemmed from the Sworn Complaint<sup>1</sup> dated March 8, 2012 of complainant Engr. Darwin Azuela Recí (Engr. Recí), addressed to Court Administrator Midas Marquez, expressing his disappointment over the inaction of Judge Amelia Tria-Infante (Judge Tria-Infante) in the transmittal of the court records to the Court of Appeals (CA), relative to Criminal Case No. 05-236956, entitled *People of the Philippines v. PO2 Dennis Recí y Azuela, Feliciano Manansala y Pangilinan and John Doe alias "Mommy Angel"* for violation of Republic Act (R.A.) No. 9208<sup>2</sup> also known as the Anti-Trafficking in Persons Act of 2003 in relation to R.A. No. 9231.<sup>3</sup>

### **Facts of the Case**

In Criminal Case No. 05-236956, Judge Tria-Infante rendered a Decision on September 17, 2009 wherein Engr. Recí's brother, PO2 Dennis Recí was convicted of the crime of Qualified Trafficking in Persons and was sentenced to a penalty of life imprisonment and a fine in the amount of ₱2,000,000.00.<sup>4</sup>

The decision was promptly appealed<sup>5</sup> on October 2, 2009 but Engr. Recí later discovered that after almost three years, no transmittal of the records of the case was made to the CA.<sup>6</sup>

Consequently, Engr. Recí filed an administrative complaint against Judge Tria-Infante for grave abuse of discretion and gross neglect of duty<sup>7</sup> docketed as A.M. No. RTJ-14-2397, entitled "*Engr. Darwin A. Recí v. Judge Amelia J. Tria-Infante, Regional Trial Court, Br. 9, Manila.*"

In a Resolution<sup>8</sup> dated September 17, 2014, however, the Court declared that the delay is attributed to Clerk of Court Atty. Emmanuel P. Villanueva (Atty. Villanueva) and Court Stenographer Sonia S. Carreon

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<sup>1</sup> *Rollo*, p. 1.

<sup>2</sup> AN ACT TO INSTITUTE POLICIES TO ELIMINATE TRAFFICKING IN PERSONS ESPECIALLY WOMEN AND CHILDREN, ESTABLISHING THE NECESSARY INSTITUTIONAL MECHANISMS FOR THE PROTECTION AND SUPPORT OF TRAFFICKED PERSONS, PROVIDING PENALTIES FOR ITS VIOLATIONS, AND FOR OTHER. Approved on May 26, 2003.

<sup>3</sup> AN ACT PROVIDING FOR THE ELIMINATION OF THE WORST FORMS OF CHILD LABOR AND AFFORDING STRONGER PROTECTION FOR THE WORKING CHILD, AMENDING FOR THIS PURPOSE REPUBLIC ACT NO. 7610, AS AMENDED, OTHERWISE KNOWN AS THE "SPECIAL PROTECTION OF CHILDREN AGAINST CHILD ABUSE, EXPLOITATION AND DISCRIMINATION ACT." Approved on December 19, 2003.

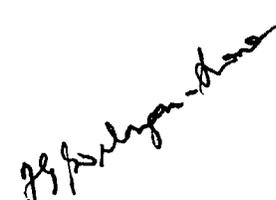
<sup>4</sup> *Rollo*, pp. 23-24.

<sup>5</sup> *Id.* at 4.

<sup>6</sup> *Id.* at 24.

<sup>7</sup> *Id.* at 25.

<sup>8</sup> *Id.* at 5.



(Carreon) (respondents), who were tasked to prepare the case records, collate the Transcript of Stenographic Notes, and transmit them to the CA.

Accordingly, the Court resolved to docket the complaint as a separate administrative matter against the respondents, and to submit their comments thereto within 10 days from receipt thereof.<sup>9</sup>

In her Comment,<sup>10</sup> Carreon averred that as court stenographer, it was not part of her duties and obligation to prepare records of cases for transmittal to another court.

Moreover, Carreon countered that Atty. Villanueva coerced her to execute her Memorandum<sup>11</sup> dated April 18, 2012 wherein she allegedly admitted the blame in the delay of the transmittal of the records of the case. Considering that Atty. Villanueva was her immediate supervisor, she was forced to just comply with his order.<sup>12</sup>

In its 1<sup>st</sup> Tracer,<sup>13</sup> the Office of the Court Administrator (OCA) reiterated its order to Atty. Villanueva to file his comment and was given another five days to comply, counted from the day of receipt thereof. No return card, however, was received by the Court despite repeated re-sending of the Court's resolutions to him in the address indicated in his 201 file. Thus, the OCA proceeded with the evaluation of the case and was submitted to the Court.<sup>14</sup>

### **Recommendation of OCA**

On July 26, 2017, the OCA issued its Memorandum<sup>15</sup> wherein it recommended the dismissal of Atty. Villanueva from the service for gross neglect of duty. Considering, however, that he already resigned from office on December 31, 2012, the OCA recommended the forfeiture of his separation benefits, except accrued leave credits, with prejudice to re-employment in the government or any of its agencies, including government-owned or controlled corporations.

Also, the OCA recommended that Carreon, who already resigned on February 14, 2014, be fined in the amount of ₱20,000.00, to be deducted from any benefits due her, for gross neglect of duty.

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<sup>9</sup> Id. at 6.

<sup>10</sup> Id. at 8-11.

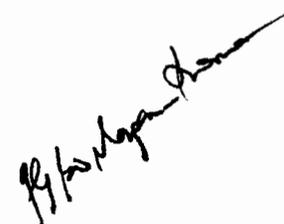
<sup>11</sup> Id. at 17-18.

<sup>12</sup> Id. at 10.

<sup>13</sup> Id. at 20.

<sup>14</sup> Id. at 26-28.

<sup>15</sup> Id. at 23-28.



The OCA noted that as a result of the instant administrative case against herein respondents, they have not been issued clearances by the Court despite their resignation.

### Issue

Mainly, the issue to be resolved in the instant case is whether or not the respondents are guilty of the offense charged.

### Ruling of the Court

The Court finds the recommendation of OCA against Atty. Villanueva proper under the circumstances. With regard to Carreon, however, the Court finds that the administrative complaint against her should be dismissed for lack of merit.

***Atty. Villanueva is liable only for simple neglect of duty***

Section 10, Rule 41 of the Rules of Court explicitly provides:

Sec. 10. *Duty of clerk of court of the lower court upon perfection of appeal.* — Within thirty (30) days after perfection of all the appeals in accordance with the preceding section, it shall be the duty of the clerk of court of the lower court:

- (a) To verify the correctness of the original record or the record on appeal, as the case may be aid to make certification of its correctness;
- (b) To verify the completeness of the records that will be transmitted to the appellate court;
- (c) If found to be incomplete, to take such measures as may be required to complete the records, availing of the authority that he or the court may exercise for this purpose; and
- (d) **To transmit the records to the appellate court.**  
(Emphasis supplied)

Here, as found by the OCA, Atty. Villanueva admitted in his Memorandum dated April 19, 2012 addressed to Judge Tria-Infante that he has no valid excuse for his failure to comply with the order directing him to immediately transmit to the CA the records of Criminal Case No. 05-236956.<sup>16</sup>

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<sup>16</sup> Id. at 26.

*19/2/2012*  
*Jugon-Oron*

Indeed, Atty. Villanueva cannot escape liability by imputing liability to Carreon. As clerk of court, he occupies a very sensitive position that calls for the exercise of competence and efficiency to affirm the confidence of the public in the administration of justice. He is responsible for the shortcomings of his subordinates and thus, he is still primarily liable for the negligence of his staff.<sup>17</sup>

The next question to be resolved is whether Atty. Villanueva's negligence, in failing to immediately transmit the records of Criminal Case No. 05-236956 to the CA, is gross in nature.

The Court rules in the negative.

In *Judge Fuentes v. Atty. Fabro, et al.*<sup>18</sup> the respondent clerk of court was found guilty only of simple neglect of duty for failure to elevate the records of the case for more than two years.

Pursuant to Section 46D (1), Rule 10 of the Revised Rules on Administrative Cases in the Civil Service, simple neglect of duty is classified as a less grave offense. It is punishable by suspension of one (1) month and one (1) day to six (6) months for the first offense and dismissal from the service for the second offense.

Based from the OCA's Memorandum, however, records from the Docket and Clearance Division, Legal Office, show that Atty. Villanueva was previously suspended for three months on September 21, 2010 on account of a judicial audit conducted at his station.<sup>19</sup> Thus, the imposition of dismissal from service is in order.

In view, however, of Atty. Villanueva's resignation from office on December 31, 2012, the penalty of dismissal can no longer be implemented. In lieu thereof, the penalty of forfeiture of whatever benefits still due him from the government, except for the accrued leave credits, if any, that he had earned, and his disqualification from further employment in any branch or instrumentality of the government including government-owned or controlled corporations.

***Carreon is not liable for gross neglect of duty***

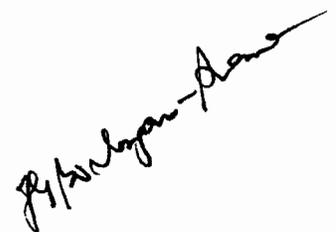
In its Memorandum, the OCA explained Carreon's supposed liability in the following manner, to wit:

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<sup>17</sup> *Obañana, Jr. v. Judge Ricafort*, 473 Phil. 207, 215 (2004).

<sup>18</sup> 709 Phil. 577 (2013).

<sup>19</sup> *Rollo*, p. 26.



It is hard to believe that one would tell a “lie” and admit culpability for somebody else even when his or her name, career and family are at stake. If respondent Carreon had nothing to do with the transmittal, why should she accept the blame? Why would she risk administrative sanction when she is supposedly innocent? Or perhaps, she was really partly responsible in the transmittal of the records. She could have presented her “original explanation” disowning her participation in the delayed transmittal. She has only herself to blame for assuming responsibility for the fiasco if she is indeed faultless. It appearing that the two (2) explanations are contradictory to each other, we cannot be absolutely certain which is more credible although we are inclined to believe her original explanation. x x x.<sup>20</sup>

The Court does not agree.

“It is well-settled that in administrative proceedings, the burden of proof that respondent committed the acts complained of rests on the complainant.”<sup>21</sup> Here, Engr. Recí failed to show that Carreon committed neglect of duty in the performance of her duty that would have warranted the imposition of administrative sanction against her.

As sufficiently explained by Carreon, she was merely impelled to prepare her Memorandum dated April 18, 2012 wherein she allegedly took blame for the delay in the transmittal of the records of the case. According to her, the explanation she originally prepared denied any participation on her part and narrated the actual events that transpired. Due, however, to Atty. Villanueva’s moral ascendancy as her immediate supervisor, she succumbed to the former’s request to take the blame in order to help him from getting a possible administrative liability.

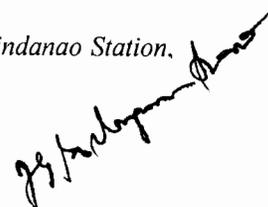
At any rate, the transmittal of the records of the case to the CA is not among the duties and responsibilities listed for court stenographers. Thus, absent any showing that the failure or delay in the transmittal of the case was attributed to her negligence, there is nothing in record which would warrant the imposition of an administrative sanction against her.

**WHEREFORE**, premises considered, the Court finds that:

1) Respondent Atty. Emmanuel P. Villanueva, former Branch Clerk of Court of the Regional Trial Court of Manila, Branch 9, is hereby **DISMISSED** from the service for simple neglect of duty; however, considering that the penalty of dismissal cannot be imposed on him as he has already resigned from the service, his separation benefits, except accrued leave credits, that he may be entitled to, be **FORFEITED**, and with

<sup>20</sup> Id. at 27.

<sup>21</sup> *Re: Letter-Complaint of Atty. Cayetuna, et al. against Justice Elbinias, CA-Mindanao Station*, 654 Phil. 207, 222 (2011).



prejudice to re-employment in the government or any of its agencies, including government-owned or controlled corporations; and

2) The administrative complaint against respondent Sonia S. Carreon is hereby **DISMISSED** for lack of merit.

Let copies of this Decision be furnish all courts, the Office of the Bar Confidant, and the Integrated Bar of the Philippines for their information and guidance. The Office of the Bar Confidant is directed to append a copy of this Decision to respondent's record as member of the Bar.

**SO ORDERED.**

(On leave)

**MARIA LOURDES P. A. SERENO**

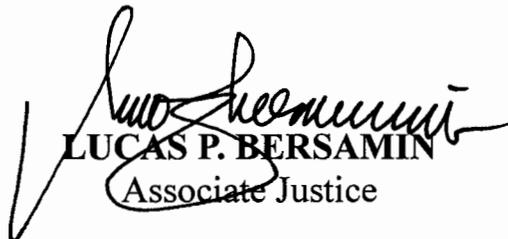
Chief Justice

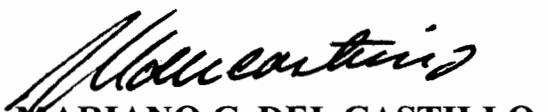
  
**ANTONIO T. CARPIO**  
Acting Chief Justice

(On official leave)  
**PRESBITERO J. VELASCO, JR.**  
Associate Justice

  
**TERESITA J. LEONARDO-DE CASTRO**  
Associate Justice

  
**DIOSDADO M. PERALTA**  
Associate Justice

  
**LUCAS P. BERSAMIN**  
Associate Justice

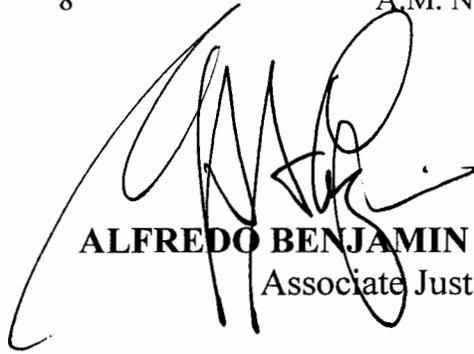
  
**MARIANO C. DEL CASTILLO**  
Associate Justice

  
**ESTELA M. PERLAS-BERNABE**  
Associate Justice

  
**MARVIC M. V. LEONEN**  
Associate Justice



**FRANCIS H. JARDELEZA**  
Associate Justice



**ALFREDO BENJAMIN S. CAGUIOA**  
Associate Justice



**SAMUEL R. MARTIRES**  
Associate Justice

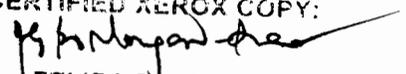


**NOEL GIMENEZ TIJAM**  
Associate Justice

(On official leave)  
**ANDRES B. REYES, JR.**  
Associate Justice



**ALEXANDER G. GESMUNDO**  
Associate Justice

CERTIFIED XEROX COPY:  
  
**FELIPA B. ANAMA**  
CLERK OF COURT, EN BANC  
SUPREME COURT