



SUPREME COURT OF THE PHILIPPINES
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Republic of the Philippines
Supreme Court
Baguio City

EN BANC

ROGER RAPSING,
Complainant,

A.M. No. MTJ-17-1894
[Formerly OCA I.P.I. No. 11-2355-MTJ]

Present:

-versus-

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

JUDGE CARIDAD M. WALSE-LUTERO, Metropolitan Trial Court, Br. 34, Quezon City [now Presiding Judge, Regional Trial Court, Br. 223, Quezon City] and CELESTINA D. ROTA, Clerk of Court III, Metropolitan Trial Court, Br. 34, Quezon City,

Respondent.

Promulgated:

April 4, 2017

X-----by the Honorable Judge-----X

RESOLUTION

LEONEN, J.:

In the February 22, 2011 Amended Affidavit-Complaint,¹ Roger Rapsing (Rapsing) accused Presiding Judge Caridad M. Walse-Lutero (Judge Walse-Lutero) of Branch 34, Metropolitan Trial Court, Quezon City

* On official leave.

¹ Rollo, pp. 2-4.

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of undue delay in resolving two (2) motions filed by his counsel in Civil Case No. 06-35758, entitled *Roger Rapsing v. Spouses Eddie and Luzviminda Rapsing*, for Ejectment.

The motions were: (1) Manifestation with Motion to Withdraw Admission dated August 15, 2008 and filed on August 20, 2008;² and (2) Motion to Inhibit dated July 24, 2008 and filed on July 25, 2008.³

The Manifestation with Motion to Withdraw Admission arose from the January 17, 2008 Order of respondent Judge Walse-Lutero denying complainant's motion to correct the pre-trial order.⁴ Complainant moved for reconsideration but this was denied by the respondent judge in an Order dated July 4, 2008, prompting complainant to file a Motion to Inhibit on July 25, 2008.⁵

During the hearing of the Motion to Inhibit on August 15, 2008, the matter of the denial of the motion to correct the pre-trial order was also discussed.⁶ Respondent Judge Walse-Lutero informed complainant's counsel that the proper remedy to remove the supposed admission of his client as contained in the pre-trial order was to file a withdrawal of admission and not correction of the pre-trial order.⁷ Consequently, it was agreed upon that the resolution of the motion to inhibit shall be held in abeyance pending the filing of the proper motion.⁸ The Motion to Withdraw Admission was subsequently filed on August 20, 2008,⁹ and was deemed submitted for resolution in the Order dated September 12, 2008.¹⁰ Considering that the motion had remained unresolved for a considerable length of time, complainant argued that respondent Judge Walse-Lutero should be held liable for undue delay.¹¹

Rapsing's Affidavit-Complaint was docketed as OCA I.P.I. No. 11-2355-MTJ. In First Indorsement¹² dated April 8, 2011, Court Administrator Jose Midas P. Marquez referred the complaint to Judge Walse-Lutero for comment.

On April 18, 2012, the Office of the Court Administrator received

² Id. at 3.

³ Id.

⁴ Id. at 2-3.

⁵ Id. at 3.

⁶ Id. at 51.

⁷ Id.

⁸ Id.

⁹ Id. at 3.

¹⁰ Id. at 45.

¹¹ Id. at 2.

¹² Id. at 48. The First Indorsement mistakenly state that Judge Caridad Walse-Lutero was of Branch 24 instead of Branch 34, Metropolitan Trial Court, Quezon City.

respondent Judge Walse-Lutero's Comment.¹³

Judge Walse-Lutero denied delaying the resolution of the motions.¹⁴ She explained that the Branch Clerk of Court failed to return the record of the case to her for the resolution of the motions.¹⁵ Respondent averred that she discovered the unresolved motions only in March 2011, when her staff, upon coming from the Supreme Court, informed her of the present administrative complaint.¹⁶

Respondent added that Ms. Shernalyn Mallari-Carian (Carian), the Docket Clerk-in-Charge, reasoned her being new in her post when queried for failure to refer the record of Civil Case No. 06-35758 to respondent Judge Walse-Lutero.¹⁷ Carian averred that the former Clerk-in-Charge turned over all the records of the civil cases to the Branch Clerk of Court Ms. Celestina Rota (Rota).¹⁸ Carian pointed out that complainant had been following up the case with Rota.¹⁹ For her part, Rota admitted that "even with the intermittent follow-up of the herein parties in this case, [she] failed to refer the case to [respondent Judge Walse-Lutero] for resolution of the pending incident due to the volume of civil cases also for decision."²⁰

Judge Walse-Lutero further affirmed that "[u]pon receipt of the record, [she] discovered that it was badly damaged by rain water that leaked through [the court's] ceiling."²¹ When she asked Rota why the latter did not inform her about the damage or ask the parties to replace the drenched documents, Rota merely shrugged and said, "[*K*]aya nga judge."²² Nonetheless, Judge Walse-Lutero alleged that after the record was reconstituted, she promptly resolved all pending incidents and rendered her decision in the subject case.²³

Respondent Judge Walse-Lutero revealed that with the 3,800 cases she inherited from the previous presiding judges, as well as the 80 to 130 cases that were raffled to her branch on a monthly basis, "it [was] impossible for [her] to monitor each and every case before [the] court."²⁴ Therefore, she "had to rely on [Rota] to inform [her] of cases that require[d] prompt action."²⁵ Unfortunately, Rota had been greatly remiss in the performance of

¹³ Id. at 50-A-55.

¹⁴ Id. at 52.

¹⁵ Id. at 51.

¹⁶ Id. at 51-52.

¹⁷ Id. at 52.

¹⁸ Id.

¹⁹ Id.

²⁰ Id.

²¹ Id.

²² Id.

²³ Id.

²⁴ Id.

²⁵ Id.

her duties. For instance, when respondent Judge Walse-Lutero took over, she discovered that almost 200 cases with pending motions or submitted for decision were bundled with archived ones.²⁶ Respondent Judge Walse-Lutero consistently gave “unsatisfactory” ratings to Rota and once raised the issue of her incompetence before then Court Administrator Jose P. Perez.²⁷ Respondent Judge Walse-Lutero was advised by the Office of the Administrative Services of the Office of the Court Administrator to direct Rota “to explain why she should not be dropped from the service.”²⁸ Respondent Judge Walse-Lutero did as instructed and Rota had the audacity to reply: “*Ibalato mo na sa akin itong rating judge.*”²⁹ Respondent Judge Walse-Lutero has since submitted several memoranda to the Office of the Court Administrator requesting to drop Rota from the rolls.³⁰

Lastly, respondent Judge Walse-Lutero had to attend to her cancer-stricken husband and son from 2009 to 2011.³¹ Despite this domestic concern, she claimed that she made every effort to bring down the court’s caseload, which included virtually taking over Rota’s workload.³² The court’s caseload when she first took over was 3,800 cases, which she lowered to 2,800 cases in her first year.³³ The court’s caseload is now between 1,900 to 2,100 cases, depending on the number of cases raffled to the court every month.³⁴

Considering Judge Walse-Lutero’s explanation, particularly her averments regarding Rota’s neglect, this Court resolved to furnish Rota with copies of the Affidavit-Complaint and of the Comment of Judge Walse-Lutero dated April 16, 2012.³⁵ This Court equally decided to require her to explain “why she should not be administratively held liable for gross neglect of duty.”³⁶

On February 29, 2016, the Office of the Court Administrator received Rota’s comment.³⁷

Rota attributed her “neglect/omission/lapse” to the high caseload of the court, particularly in criminal cases.³⁸ She added that the number of court personnel in her branch was not proportionate to the court’s caseload.³⁹

²⁶ Id. at 54.

²⁷ Id. at 53.

²⁸ Id.

²⁹ Id.

³⁰ Id.

³¹ Id. at 54.

³² Id.

³³ Id.

³⁴ Id.

³⁵ Id. at 84.

³⁶ Id.

³⁷ Id. at 90–91.

³⁸ Id. at 90.

³⁹ Id.

This problem was allegedly aggravated by leaves of absence by court personnel due to personal sickness, sickness or death in the family, maternity leave, retirement, and “recall of the assisting/detailed clerk by the mother unit [Office of the Clerk of Court.]”⁴⁰

Rota also explained that the case record got wet during the Typhoon Ondoy through a leak in the roof.⁴¹ She allegedly apologized for it, and rectified the damage by working on Saturdays.⁴²

Finally, on the high volume of cases, Rota explained that while both civil and criminal cases were equally important, the court gave priority to criminal cases especially those involving detention prisoners.⁴³

The Office of the Court Administrator, in its Memorandum⁴⁴ dated August 5, 2016, recommended the dismissal of the case against Judge Walse-Lutero, with a reminder for her “to be more meticulous and zealous in organizing and supervising the work of her subordinates.”⁴⁵

Regarding Rota, the Office of the Court Administrator recommended that Rapsing’s complaint be docketed as a separate administrative matter against her for gross neglect of duty.⁴⁶ The Office of the Court Administrator found Rota negligent in her handling of the record of Civil Case No. 06-35758.⁴⁷ It also took into account the previous instances wherein Rota was sanctioned⁴⁸ for negligence in the performance of her duties, and Rota’s indifference in complying with the Court’s directives for her to file a comment.⁴⁹ However, considering Rota’s 20 years in government service, the Office of the Court Administrator recommended her suspension for six (6) months instead of dismissal from service.⁵⁰

We find Judge Walse-Lutero liable for neglecting her duty to resolve motions expeditiously. On the other hand, we agree with the findings of the Office of the Court Administrator that Rota is guilty of gross neglect of duty.

⁴⁰ Id.

⁴¹ Id.

⁴² Id.

⁴³ Id. at 90–91.

⁴⁴ Id. at 95–101.

⁴⁵ Id. at 101.

⁴⁶ Id.

⁴⁷ Id. at 99.

⁴⁸ 1) *Re: Report of Judge Maria Elisa Sempio Diy, Metropolitan Trial Court, Branch 34, Quezon City, about the Loss of Certain Valuables and Items within the Court Premises*, 567 Phil. 183 (2008) [Per J. Quisumbing, Second Division]. Rota was suspended for three (3) months for simple neglect of duty; and

2) *Arevalo v. Loria*, 450 Phil. 48 (2003) [Per J. Vitug, First Division]. Rota was fined in the amount of ₱1,000.00 for negligence in not issuing summons.

⁴⁹ *Rollo*, pp. 99–100.

⁵⁰ Id. at 100.

I

There was clearly an undue delay in resolving the two (2) motions. Judge Walse-Lutero, however, attributes the delay to the failure of the Branch Clerk of Court to refer to her the records of the ejectment case for resolution.

The Office of the Court Administrator found Judge Walse-Lutero's explanation sufficient to clear her from any administrative liability. We disagree.

While the Branch Clerk of Court was remiss in not calling respondent's attention to the pending incident in Civil Case No. 06-35758, this does not completely exculpate respondent from liability. As the presiding judge, it was respondent's responsibility to know which cases or motions were submitted for decision or resolution.⁵¹ Judges are expected to closely follow the development of cases and in this respect, "to keep [their] own record of cases so that [they] may act on them promptly."⁵²

In *RE: Report on the Judicial Audit Conducted at the Metropolitan Trial Court, Branch 55, Malabon City*,⁵³ this Court held that "[j]udges and branch clerks of court should conduct personally a physical inventory of the pending cases in their courts and examine personally the records of each case [not only] at the time of their assumption to office, [but] every semester thereafter on 30 June and 31 December."⁵⁴ "[T]he regular and continuing physical inventory of cases enable[s] the judge to keep abreast of the status of the pending cases and to be informed that everything in the court is in proper order."⁵⁵ Responsibility rests primarily on the judge and he or she "cannot take refuge behind the inefficiency or mismanagement of his personnel."⁵⁶

In this case, the motions were submitted for resolution on September 12, 2008.⁵⁷ On March 17, 2010, Rapsing even filed a Manifestation and Motion informing the court about the two (2) pending motions, and praying

⁵¹ *Cueva v. Villanueva*, 365 Phil. 1, 9 (1999) [Per Curiam, En Banc].

⁵² *Unitrust Development Bank v. Caoibes, Jr.*, 456 Phil. 676, 682 (2003) [Per J. Quisumbing, En Banc].
⁵³ 612 Phil. 8 (2009) [Per J. Quisumbing, Second Division].

⁵⁴ *Id.* at 9.

⁵⁵ *In Re: Report on the Judicial Audit Conducted in the Regional Trial Court, Branch 45, Urdaneta City, Pangasinan, and Report on the Incident at Branch 49, Same Court*, 654 Phil. 240, 254 (2011) [Per J. Bersamin, Third Division].

⁵⁶ *Office of the Court Administrator v. Judge Doyon*, 592 Phil. 235, 247 (2008) [Per J. Austria-Martinez, Third Division]; *Manzon v. Perello*, 472 Phil. 384, 389 (2004) [Per J. Vitug, Third Division]; *Visbal v. Judge Buban*, 443 Phil. 705, 709 (2003) [Per J. Sandoval-Gutierrez, Third Division]; *V.C. Ponce Co., Inc. v. Eduarte*, 397 Phil. 498, 517 (2000) [Per Ynares-Santiago, First Division]; *Cueva v. Villanueva*, 365 Phil. 1, 9 (1999) [Per Curiam, En Banc].

⁵⁷ *Rollo*, p. 45.

for their resolution.⁵⁸ Had Judge Walse-Lutero been more circumspect in discharging her judicial duties, she would have discovered the pending incidents in the ejectment case. Instead, she found out about the unresolved motions only in March 2011 when she was apprised by the Office of the Court Administrator of the present administrative complaint.⁵⁹

Respondent explained that she had worked hard to considerably reduce the caseload of her sala⁶⁰ and had endeavored to personally monitor all the cases in her court.⁶¹ However, in 2009, she was usually on leave to look after her Stage 2A colon cancer-diagnosed husband.⁶² This situation forced her to rely on her legal researcher and on Rota to update her on urgent matters.⁶³ Later on, she also had to care for her son who was diagnosed with Stage 2 Hodgkin's lymphoma in November 2010.⁶⁴

While respondent's domestic concerns deserve some consideration from this Court, such circumstances could only mitigate her liability. Judges have the duty to administer justice without delay. Judge Walse-Lutero should bear in mind that those charged with the task of dispensing justice carry a heavy burden of responsibility.⁶⁵ As a frontline official of the Judiciary, a trial judge should at all times maintain professional competence and observe the high standards of public service and fidelity. Her dedication to duty is the least she could do to sustain the public's trust and confidence not only in her but more importantly in the institution she represents.⁶⁶

Had respondent Judge Walse-Lutero physically inventoried her cases on a semestral basis as prescribed, she could have discovered the unresolved pending incidents earlier, instead of two (2) years later. The resolution of two (2) fairly simple motions dragged on for more than two (2) years – thereby prolonging the resolution of the ejectment case – because of respondent's lapse.

In *Atty. de Jesus v. Judge Mendoza-Parker*,⁶⁷ the Court ruled that “[d]elay in the disposition of even one case [would] constitute gross inefficiency which this Court [would] not tolerate.”⁶⁸

⁵⁸ Id. at 3 and 46–47.

⁵⁹ Id. at 52.

⁶⁰ Id. at 54.

⁶¹ Id. at 53.

⁶² Id. at 54.

⁶³ Id.

⁶⁴ Id.

⁶⁵ *Office of the Court Administrator v. Acampado*, 721 Phil. 12, 31–32 (2013) [Per Curiam, En Banc].

⁶⁶ *Re: Failure of Former Judge Antonio A. Carbonell to Decide Cases Submitted for Decision and to Resolve Pending Motions in the Regional Trial Court, Branch 27, San Fernando, La Union*, 713 Phil. 594, 597–598 (2013) [Per J. Bersamin, En Banc].

⁶⁷ 387 Phil. 644 (2000) [Per J. Quisumbing, En Banc].

⁶⁸ Id. at 656.

Under Section 9 of Rule 140 of the Revised Rules of Court, “undue delay in rendering a decision or order, or in transmitting the records of a case” is a less serious charge. Section 11 of the same Rule provides for the applicable penalty, to wit:

SECTION 11. *Sanctions.* —

....

B. If the respondent is guilty of a less serious charge, any of the following sanctions shall be imposed:

1. Suspension from office without salary and other benefits for not less than one (1) nor more than three (3) months; or
2. A fine of more than P10,000.00 but not exceeding P20,000.00.

In *Pichon v. Judge Rallos*,⁶⁹ the respondent was reprimanded “for his failure to seasonably decide” the criminal cases for estafa.⁷⁰ This Court took into account that respondent had “no record of previous administrative sanctions.”⁷¹

Here, considering the reasons for the delay in the resolution of the motions, the absence of bad faith or malice on the part of respondent, and lack of any record of previous administrative sanctions against her, we consider it proper to admonish respondent Judge Walse-Lutero for her failure to act promptly on the complainant’s motions.

II

As regards Rota, we agree with the Office of the Court Administrator that she is liable for gross neglect of duty. By Rota’s own admission, she failed to refer the case to Judge Walse-Lutero for resolution of the pending incidents “*even with the intermittent follow-ups of the . . . parties.*”⁷² She likewise failed to report to Judge Walse-Lutero the damage in the records, thus, preventing the reconstitution of the records at the earliest time possible.⁷³ As the administrative assistant of the presiding judge, it was Rota’s duty to diligently supervise and manage court dockets and records, and to ensure that the records were complete and intact. She played a key role in the complement of the court and could not be permitted to slacken in her job.

⁶⁹ *Pichon v. Judge Rallos*, 444 Phil. 131 (2003) [Per J. Quisumbing, Second Division].

⁷⁰ *Id.* at 136.

⁷¹ *Id.*

⁷² *Rollo*, p. 52.

⁷³ *Id.*

This Court has held:

Branch clerks of court must realize that their administrative functions are vital to the prompt and proper administration of justice. They are charged with the efficient recording, filing and management of court records, besides having administrative supervision over court personnel. They play a key role in the complement of the court and cannot be permitted to slacken on their jobs under one pretext or another. They must be assiduous in performing their official duties and in supervising and managing court dockets and records. On their shoulders, as much as those of judges, rest the responsibility of closely following development of cases, such that delay in the disposition of cases is kept to a minimum.⁷⁴ (Citations omitted)

Judge Walse-Lutero further pointed out that Rota had not improved despite being repeatedly called to task for her incompetence and negligence.⁷⁵ In fact, Judge Walse-Lutero added that while Rota held the position of branch clerk of court, her functions were delegated to other court personnel because of her poor performance.⁷⁶ “More often than not, she [could] be seen either reading a novel, eating, or staring at the ceiling.”⁷⁷

Despite these serious charges of incompetence and unsatisfactory performance against her, the only explanation that Rota could offer was the high volume of caseload in the court.⁷⁸ The volume of work, however, cannot be an excuse for her being remiss in the performance of her functions.⁷⁹ By her assumption of the position of clerk of court, it is understood that she was ready and competent to do her job with utmost devotion and efficiency.⁸⁰ Rota’s apathy towards her duties and responsibilities as Branch Clerk of Court is inimical to the prompt and proper administration of justice.

Simple neglect of duty is defined as the failure of an employee to give one’s attention to a task expected of him or her.⁸¹ Gross neglect of duty is such neglect which, “from the gravity of the case or the frequency of instances, becomes so serious in its character as to endanger or threaten the public welfare.”⁸² In *GSIS v. Manalo*:⁸³

⁷⁴ *Re: Report on the Judicial Audit Conducted at the Metropolitan Trial Court, Branch 55, Malabon City*, 612 Phil. 8, 34 (2009) [Per J. Quisumbing, Second Division].

⁷⁵ *Rollo*, p. 53.

⁷⁶ *Id.* at 54.

⁷⁷ *Id.* at 53.

⁷⁸ *Id.* at 90.

⁷⁹ *Marquez v. Pablico*, 579 Phil. 25, 31 (2008) [Per J. Carpio Morales, Second Division].

⁸⁰ *Office of the Court Administrator v. Cinco*, 610 Phil. 40, 48 (2009) [Per J. Carpio Morales, Second Division].

⁸¹ *Reyes v. Pablico*, 538 Phil. 10, 20 (2006) [Per J. Carpio, Third Division].

⁸² *Alleged loss of various boxes of copy paper during their transfer from the Property Division, Office of Administrative Services (OAS), to the various rooms of the Philippine Judicial Academy*, 744 Phil. 526, 537–538 (2014) [Per J. Bersamin, En Banc].

⁸³ G.R. No. 208979, September 21, 2016
<<http://sc.judiciary.gov.ph/pdf/web/viewer.html?file=/jurisprudence/2016/september2016/208979.pdf>>

Gross neglect of duty or gross negligence ‘refers to negligence characterized by the want of even slight care, or by acting or *omitting to act in a situation where there is a duty to act*, not inadvertently but wilfully and intentionally, with a conscious indifference to the consequences, insofar as other persons may be affected. It is the *omission of that care that even inattentive and thoughtless men never fail to give to their own property*.’ It denotes a *flagrant and culpable refusal or unwillingness of a person to perform a duty*. In cases involving public officials, gross negligence occurs when a *breach of duty is flagrant and palpable*.⁸⁴ (Emphasis in the original, citation omitted)

Rota’s neglect in this case is gross, bordering on utter carelessness or indifference, to the prejudice of the public she was duty-bound to serve. Her inattentiveness and lack of any effort to even look for the case records, despite several follow-ups from the complainant, caused unnecessary and undue delay in the progress of the ejectment case.

The Office of the Court Administrator recommended a penalty of suspension of six (6) months in view of Rota’s 20 years in government service.⁸⁵ We disagree with the penalty.

This is not the first offense of Rota. As reported by the Office of the Court Administrator, at least two (2) administrative cases have been decided against her.⁸⁶ In *Arevalo v. Loria*,⁸⁷ this Court found Rota to be negligent in the performance of her duties when she issued a writ of demolition that was not strictly in accordance with the tenor of the judgment issued in an ejectment case.⁸⁸ Rota was fined ₱1,000.00 for her neglect.⁸⁹

In *Re: Report of Judge Sempio Diy*,⁹⁰ this Court found Rota negligent in safekeeping an Armscor gun, which was “an object evidence in a pending criminal case.”⁹¹ This Court noted that it was Rota’s second offense, and the prescribed penalty was dismissal from service.⁹² However, for humanitarian considerations and because of the subsequent discovery of the missing gun, this Court resolved to impose upon her the penalty of suspension for three (3) months instead of dismissal from service.⁹³ Rota was further reminded that:

[Per J. Del Castillo, Second Division].

⁸⁴ Id. at 19.

⁸⁵ *Rollo*, p. 100.

⁸⁶ Id. at 99.

⁸⁷ 450 Phil. 48 (2003) [Per J. Vitug, First Division].

⁸⁸ Id. at 58–59.

⁸⁹ Id.

⁹⁰ 567 Phil. 183 (2008) [Per J. Quisumbing, Second Division].

⁹¹ Id. at 184–185.

⁹² Id. at 187–188.

⁹³ Id. at 188.

[A]s ranking officers of our judicial system who perform delicate administrative functions vital to the prompt and proper administration of justice, they should perform their duties with diligence and competence in order to uphold the good name and integrity of the judiciary, and to serve as role models for their subordinates.⁹⁴

Rota had been given enough time to improve and reform. Despite these opportunities, and this Court's previous sanctions and repeated warnings that similar acts would be severely dealt with, Rota had not improved in her performance as Branch Clerk of Court. The previous warnings from this Court did not effectively rouse Rota to be more mindful of her duties. Judge Walse-Lutero had clearly expressed her dissatisfaction with Rota's performance and gave her unsatisfactory performance evaluation ratings. Rota was asked twice to explain why she should not be dropped from the service for her incompetence and negligence.⁹⁵ Judge Walse-Lutero had even elevated the issue of Rota's incompetence before the Office of the Court Administrator many times. Rota had not given any satisfactory explanation.

Clerks of Court are at the forefront of judicial administration because of their indispensable role in case adjudication and court management. They are the models for the court employees "to act speedily and with dispatch on their assigned task[s] to avoid the clogging of cases in court and thereby assist in the administration of justice without undue delay."⁹⁶ Moreover, as public officers, they should discharge their tasks with utmost responsibility, integrity, loyalty, and efficiency guided by the principle that "public office is a public trust."⁹⁷

The frequency by which Rota neglected her duties and her lack of remorse reveal that there is no more justification for her to stay longer in her position. Rota clearly failed to meet the requirements expected of her as a Branch Clerk of Court. Her apathy evinces an utter lack of concern for her role as a "sentinel of justice." Her repeated infractions "seriously compromise[d] efficiency and hamper[ed] public service."⁹⁸

Rota was not even diligent in complying with the orders of this Court. The Resolution dated November 18, 2013 directing her to file a comment was received by Rota on December 23, 2013.⁹⁹ However, as of August 13, 2015, the Office of the Court Administrator reported that Rota had not yet complied and had not made any serious effort to comply.¹⁰⁰ It was only after

⁹⁴ Id.

⁹⁵ *Rollo*, p. 53.

⁹⁶ *Paa v. Remigio*, 177 Phil. 550, 556 (1979) [Per J. Guerrero, First Division].

⁹⁷ CONST. (1987), art. XI, sec. 1.

⁹⁸ *Office of the Court Administrator v. Hon. Tormis*, 706 Phil. 113, 137 (2013) [Per Curiam, En Banc].

⁹⁹ *Rollo*, p. 86.

¹⁰⁰ Id. at 86-87.

this Court issued the Resolution¹⁰¹ dated December 9, 2015, and under pain of contempt, did Rota comply with the directive to file her comment.

Considering Rota's gross dereliction of duty and her violation of the Code of Conduct for Court Personnel,¹⁰² the corresponding penalty of dismissal from service¹⁰³ must be meted out to her. The objective of imposing the correct disciplinary measure is not so much to punish the erring officer or employee but primarily to improve public service and preserve the public's faith and confidence in the government.¹⁰⁴ Respondent's incompetence and repeated infractions exhibited her unfitness and plain inability to discharge the duties of a Branch Clerk of Court, which justifies her dismissal from service.

WHEREFORE, this Court resolves to re-docket the present administrative case as a regular administrative matter against Presiding Judge Caridad M. Walse-Lutero and Branch Clerk of Court Celestina D. Rota.

Presiding Judge Caridad M. Walse-Lutero is **ADMONISHED** for her undue delay in resolving the motions in Civil Case No. 06-35758.

Branch Clerk of Court Celestina D. Rota is found **GUILTY** of gross neglect of duty and is hereby **DISMISSED** from service. All her benefits, except accrued leave credits, if any, are declared **FORFEITED**, with prejudice to re-employment in any branch or instrumentality of the government, including government-owned and controlled corporations and financial institutions.

SO ORDERED.


MARVIC M.V.F. LEONEN
Associate Justice

¹⁰¹ Id. at 88–89.

¹⁰² CODE OF CONDUCT FOR COURT PERSONNEL, Canon 4, sec. 1, requires that “[c]ourt personnel shall at all times perform official duties properly and with diligence. They shall commit themselves exclusively to the business and responsibilities of their office during working hours.”

¹⁰³ 2011 REVISED RULES ON ADMINISTRATIVE CASES IN THE CIVIL SERVICE, Rule 10, sec. 46(A)(2), provides that gross neglect of duty is a grave offense punishable by dismissal from service.

¹⁰⁴ *Ganzon v. Arlos*, 720 Phil. 104, 119 (2013) [Per J. Bersamin, En Banc]; *Buenaventura v. Mabalot*, 716 Phil. 476, 499 (2013) [Per J. Mendoza, Third Division].

WE CONCUR:



MARIA LOURDES P. A. SERENO
Chief Justice



ANTONIO T. CARPIO
Associate Justice



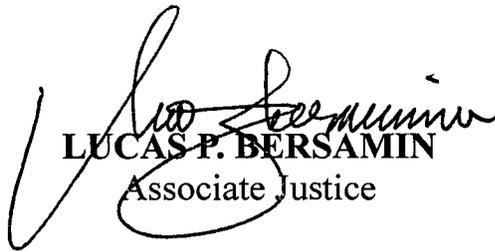
PRESBITERO J. VELASCO, JR.
Associate Justice



TERESITA J. LEONARDO-DE CASTRO
Associate Justice



DIOSDADO M. PERALTA
Associate Justice



LUCAS P. BERSAMIN
Associate Justice



MARIANO C. DEL CASTILLO
Associate Justice



JOSE CANRAL MENDOZA
Associate Justice

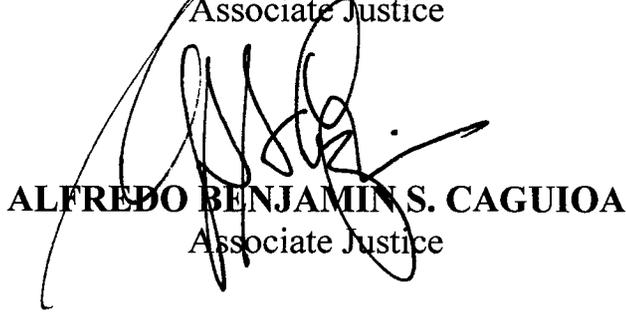


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FRANCIS H. JARDELEZA
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ALFREDO BENJAMIN S. CAGUIOA
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SAMUEL R. MARTIRES
Associate Justice



NOEL GIMENEZ TIJAM
Associate Justice