



Republic of the Philippines
Supreme Court
Manila

SUPREME COURT OF THE PHILIPPINES
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RACQUEL O. ARCE, Clerk III,
Branch 122, Regional Trial Court,
Caloocan City,

Complainant,

A.M. No. P-20-4035
[Formerly OCA I.P.I. No. 17-
4777-P]

Present:

- versus -

PERALTA, C.J.
PERLAS-BERNABE,
LEONEN,
CAGUIOA,
REYES, A., JR.,*
GISMUNDO,
REYES, J., JR.,
HERNANDO,**
CARANDANG,
LAZARO-JAVIER,
INTING,
ZALAMEDA,
LOPEZ,
DELOS SANTOS, and
GAERLAN, JJ.

FERDINAND E. TAURO, former
Court Interpreter, Branch 122,
Regional Trial Court, Caloocan
City,

Respondent.

Promulgated:

January 28, 2020

X-----X

DECISION

PER CURIAM:

* On official leave.
** On official leave.

Antecedents

The present administrative matter is an offshoot of A.M. No. P-17-3731¹ which pertained to the complaint-affidavit of Ferdinand E. Tauro charging Racquel O. Arce with serious misconduct. The contents of Tauro's complaint-affidavit were summed in the Court's Resolution dated November 8, 2017 in A.M. No. P-17-3731, *viz.*:

[Tauro] narrated that on May 3, 2012, he was heckled by [Arce] who was at that time looking for missing records which were supposedly under [Arce's] custody. [Arce] allegedly shouted at [Tauro], "*Ikaw ang kumuha, ikaw ang gumalaw ng mga records, sinungaling, sinungaling ka! Dapat sa iyo mag-resign.*" [Tauro] kept his cool but [Arce] continued berating him for the missing records.

Despite the intervention of other court personnel, [Arce] allegedly continued to throw slanderous and threatening remarks against [Tauro]. When [Tauro] denied the accusations, [Arce] became furious and, seemingly determined to kill [Tauro], attacked him with a kitchen knife. However, the attack was timely prevented by their fellow court employees.

In her Comment/Compliance,² Arce narrated that on May 3, 2012 and in the course of her work, *i.e.*, releasing court orders and processes, she noticed that two (2) case folders were missing from her desk. She needed these case folders for the purpose of preparing the subpoenas for the following week's hearings. She was convinced that Tauro was the one who took those folders as he used to take case records from her table without permission supposedly for the purpose of preparing the court calendar. When she asked him about the missing folders, he gave evasive and unresponsive answers.

An argument ensued between them. Because Tauro kept on provoking her instead of giving straight answers, she got prompted to say "*pinatutunayan mo lang talaga na sinungaling ka*" and "*tumigil ka na, tinatanong lang kita sa dalawang records, kung [anu-ano] na sinasabi mo.*"³ But, because Tauro did not stop, she angrily said "*pag hindi ka pa tumigil sa kadadaldal ng wala namang kinalaman sa tanong ko sa [iyo], sasaksakin na kita.*" Although she admitted she was holding a knife at that time, she denied ever aiming it at Tauro. It was only out of frustration that she uttered those heated words because that was not the first time Tauro took records from her table without permission and lied about it. She attached

¹ Formerly OCA IPI No. 12-3871-P.

² *Rollo*, pp. 1-9.

³ *Id.* at 2.

affidavits⁴ from their workmates who corroborated her version of the incident.

She was also spurred by fear that she would get mixed up in Tauro's blunders and her job would be jeopardized. His dishonesty and inefficiency were well-known to everyone in their office. In fact, the case records that were missing and for which she was unable to issue subpoenas were later found in his possession. She did not have the capacity to harm anyone. If Tauro were truly scared for his life, why would he continue staying in the office as late as she did, as shown by the logbook entries? Besides, it was absurd that a man of his built (5'8") would be threatened by a diminutive lady (5'2") like her.

She believed that if what she did was gross misconduct then fairness demanded that her accuser be charged with gross inefficiency. As a court interpreter, Tauro was so inept with his work that lawyers often complained to the judge and interpreted their own questions for accuracy. He regularly made errors or missed out items on the court calendar. Cases that should be listed in the agenda were not included and those that should not be in the agenda were included. She enumerated other instances of Tauro's mistakes, *viz.:*

- (a) As an example of Tauro's inefficiency in preparing the court calendar, a land registration case was dismissed due to absence of petitioner and counsel during the hearing but it turned out petitioner and counsel were informed that the case was scheduled for another date according to the minutes Tauro prepared.
- (b) In a civil case, the testimony of a witness was stricken off from the record for non-appearance of the witness and counsel when the case was called in open court. The minutes of the previous hearing, however, showed that the case should not have been called in open court as the party was supposed to present evidence *ex parte* before the branch clerk of court. The judge had to recall the open court order and issue a new one.
- (c) A lawyer in another civil case had to explain why he failed to move for correction of the stipulation of facts in the pre-trial order within the period given as he relied on the entries in the minutes of the pre-trial conference that were not reflected in the pre-trial order that was subsequently issued.
- (d) In one case, counsel made an oral formal offer of exhibits but these exhibits were not listed by Tauro in the minutes although

⁴ Annexes "C" to "C-2" of the Comment/Compliance were the affidavits of Jocelyn Norberte Lucas (Court Stenographer), Dinah M. Guitering (Legal Researcher), and Myrna Madduma Valencia (Court Stenographer).


they were listed and admitted in evidence in the order issued by the judge in open court.

- (e) He received exhibits from lawyers in defiance of the presiding judge's directive that the staff should not receive evidence that had not been formally offered.
- (f) He let the parties sign the minutes for the next scheduled hearing but he would fail to enter the schedules in the calendar book. His minutes also often needed to be corrected because he entered the wrong dates which made the minutes inconsistent with court orders.
- (g) He calendared a criminal case for hearing on a demurrer to the evidence when no such demurrer was filed. Worse, he erased the minutes and placed thereon "demurrer resolved."
- (h) Another civil case was dismissed for Tauro's failure to inform the judge that the plaintiff asked permission from him [Tauro] to call his lawyer and the case was called while the plaintiff was still outside talking to counsel.
- (i) There was no day that their court calendar was perfectly done despite the hours that Tauro spent working on it and the quantity of bond paper he used up to print and reprint just a one-day calendar. Mistakes in the calendar were still discovered in open court because Tauro did not seem to understand what was stated in the court order.

She substantiated the foregoing charges with photocopies of minutes, orders, pleadings, and transcripts of stenographic notes (TSNs) from the subject cases.

In closing, she admitted her lapse in judgment for her outburst and hoped for clemency as this was the first time she committed such a lapse. At the very least, she believed she and Tauro were both at fault. She urged the Court to take action on Tauro's dishonesty, gross neglect of duty, and gross inefficiency, and prayed that her Comment/Compliance be considered as her administrative complaint against Tauro.

The Office of the Court Administrator (OCA) repeatedly required Tauro to submit his own Comment on Arce's Comment/Compliance, but he failed to comply despite due notice.

Meanwhile, two (2) important developments occurred in this case. *First*, in an *En Banc* Resolution dated October 7, 2014 in A.M. No. 14-09- 

307-RTC, **Tauro was dropped from the rolls** for his unsatisfactory performance ratings for the periods July-December 2011, January-June 2012, July-December 2012, and January-June 2013. **Second**, in the Resolution dated November 8, 2017 in A.M. No. P-17-3731 involving the same altercation incident that took place on May 3, 2012, the Court's Second Division found **both Tauro and Arce guilty of conduct unbecoming of a court employee and imposed a fine of Php5,000.00** on each of them. Hence, this Resolution only refers to the remaining administrative case against Tauro for dishonesty, gross neglect of duty and gross inefficiency.

The OCA Report and Recommendation dated August 27, 2019

The OCA found that Arce was able to substantiate most of her allegations against Tauro. Although there were some charges that the OCA found unmeritorious, there was adequate evidence that cases had been dismissed or erroneous actions thereon were taken by the court or the parties due to the mistakes that Tauro made in the minutes and the court calendar. Tauro had also been clearly negligent in the preparation of minutes and court calendars that were incomplete or inaccurate and riddled with erasures and corrections. It was also proven that he received exhibits from counsel in one case before these exhibits were formally offered in violation of the strict directive of the presiding judge to the court staff. Worse, he kept them inside the vault instead of attaching them to the case records. Hearings had to be rescheduled when it was discovered that they were not supposed to be included in the calendar for the day. It was also duly shown in the portions of the TSNs Arce offered that Tauro committed numerous lapses during court proceedings, for which the judge had to call his attention.

The OCA opined that Tauro's infractions amounted to gross neglect of duty which would have been punishable by dismissal even on the first offense had he not been previously dropped from the rolls. Hence, the OCA recommended that:

1. the instant administrative complaint against respondent Ferdinand E. Tauro, former Court Interpreter, Branch [122], Regional Trial Court, Caloocan City, be **RE-DOCKETED** as a regular administrative matter; and
2. respondent Tauro be found **GUILTY** of gross neglect of duty and be penalized with dismissal from the service; but considering that he has been dropped from the rolls, making dismissal no longer feasible, that he be penalized instead with forfeiture of retirement benefits, except accrued leave credits, with prejudice to re-employment in any branch or instrumentality of the government, including government-owned or controlled corporations.

The Court's Ruling

We fully adopt the OCA's factual findings and recommendations.

Jurisprudence teaches that:

[G]ross 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 willfully and intentionally, with a conscious indifference to the consequences, in so far as other persons may be affected. x x x In cases involving public officials, [there is gross negligence] when a breach of duty is *flagrant and palpable*.”

It is important to stress, however, that the term “gross neglect of duty” does not necessarily include willful neglect or intentional wrongdoing. It can also arise from situations where “such neglect which, from the gravity of the case or the frequency of instances, becomes so serious in its character” that it ends up endangering or threatening the public welfare.⁵ (Underscoring supplied.)

It cannot be gainsaid that the duty of a court interpreter to keep complete and accurate minutes is vital to the efficient administration of justice. The Court observed in *Atty. Bandong v. Ching*:⁶

Among the duties of court interpreters is to prepare and sign “all Minutes of the session.” (Manual for Clerks of Court, 32). After every session they must prepare the Minutes and attach it to the record. It will not take an hour to prepare it. **The Minutes is a very important document because it gives a brief summary of the events that took place at the session or hearing of a case. It is in fact a capsulized history of the case at a given session or hearing, for it states the date and time of the session; the names of the judge, clerk of court, court stenographer, and court interpreter who were present; the names of the counsel for the parties who appeared; the party presenting evidence; the names of witnesses who testified; the documentary evidence marked; and the date of the next hearing** (*Id.*, 543). In criminal cases, the Minutes also includes data concerning the number of pages of the stenographic notes (*Id.*, 589).⁷ (Emphasis supplied.)

As the OCA aptly noted, Tauro had repeatedly failed to prepare complete and accurate minutes in various cases. This often resulted in mistakes in the calendaring of cases and inconsistencies in the court records. 9

⁵ *Re: Report on the Preliminary Results of the Spot Audit in the Regional Trial Court, Branch 170, Malabon City*, 817 Phil. 724, 772 (2017).

⁶ 329 Phil. 714, 719 (1996); cited in *RE: Report on the Judicial and Financial Audit of RTC, Br. 4, Panabo, Davao del Norte*, 351 Phil. 1, 17 (1998).

⁷ *RE: Report on the Judicial and Financial Audit of RTC, Br. 4, Panabo, Davao del Norte*, supra.

Even taking into account that his neglect might not have been willful or deliberate, the sheer frequency of his lapses had caused great inconvenience to the judge and the litigants appearing before the court as Tauro's errors had to be remedied in subsequent orders and proceedings. To aggravate matters, he continued to commit the same mistakes over and over despite the presiding judge's directives and his co-employees' reminders. Tauro's well-documented carelessness and inefficiency in the performance of his assigned tasks indeed warranted a finding of guilt for gross neglect of duty.

In this regard, the *Revised Uniform Rules on Administrative Cases in the Civil Service* pertinently provide:

RULE 10
Schedule of Penalties

SECTION 46. *Classification of Offenses.* — Administrative offenses with corresponding penalties are classified into grave, less grave or light, depending on their gravity or depravity and effects on the government service.

A. The following **grave offenses** shall be punishable by **dismissal** from the service:

1. Serious Dishonesty;
2. **Gross Neglect of Duty;**

x x x (Emphases supplied.)

We do not hesitate to impose the supreme penalty of dismissal on Tauro. Time and again, we held that:

The Constitution mandates that a public office is a public trust and that all **public officers must be accountable to the people and must serve them with responsibility, integrity, loyalty, and efficiency.** The demand for moral uprightness is more pronounced for members and personnel of the judiciary who are involved in the dispensation of justice. **As front liners in the administration of justice, court personnel should live up to the strictest standards of honesty and integrity** in the public service, and in this light, are always expected to act in a manner free from reproach. Thus, **any conduct, act, or omission that may diminish the people's faith in the Judiciary should not be tolerated.**⁸ (Emphasis supplied.)

Based on the evidence on record, the Court is not surprised that Tauro had long since been dropped from the rolls for his unsatisfactory performance ratings for four (4) consecutive rating periods as there is no place for such delinquency in honorable public service.

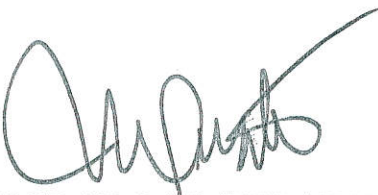
⁸ *Office of the Court Administrator v. Dequito*, 799 Phil. 607, 620 (2016).

This means, however, that the imposition of the penalty of dismissal can no longer be implemented. The penalty of dismissal from the service includes the accessory penalties of forfeiture of all his retirement benefits, except accrued leave credits, and prejudice to re-employment in any branch or instrumentality of the government, including government-owned or controlled corporations.⁹ On the other hand, the dropping of a government employee from the rolls is not disciplinary in nature and does not result in the forfeiture of any benefit of the official or employee concerned nor in said official or employee's disqualification from reemployment in the government.¹⁰ In several cases, where the proper penalty was dismissal but it could not be imposed since the respondent had been previously dropped from the rolls, the Court deemed it sufficient to impose the accessory penalties of forfeiture of retirement benefits, except accrued leave credits, and perpetual disqualification from re-employment in any branch or instrumentality of the government, including government-owned or controlled corporations.¹¹ We, therefore, find the OCA's recommendation as to the penalty to be appropriate.

WHEREFORE, the Court resolves to:

- 1) **RE-DOCKET** the administrative complaint as a regular administrative matter against Ferdinand E. Tauro, former Court Interpreter, Branch 122, Regional Trial Court, Caloocan City; and
- 2) **FIND** Ferdinand E. Tauro **GUILTY** of gross neglect of duty. The Court would have **DISMISSED** him from the service had he not been earlier dropped from the rolls. Accordingly, his retirement and other benefits, except accrued leave credits, are hereby ordered **FORFEITED**. He is **PERPETUALLY DISQUALIFIED** from re-employment in any branch or instrumentality of the government, including government-owned or controlled corporations.


SO ORDERED.



DIOSDADO M. PERALTA
Chief Justice



ESTELA M. PERLAS-BERNABE
Associate Justice

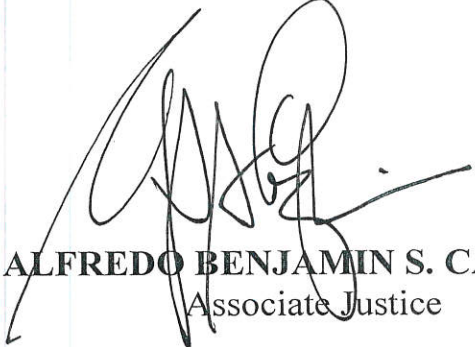


MARVIC M.V.F. LEONEN
Associate Justice

⁹ *Guerrero-Boylon v. Boyles*, 674 Phil. 565, 576 (2011).

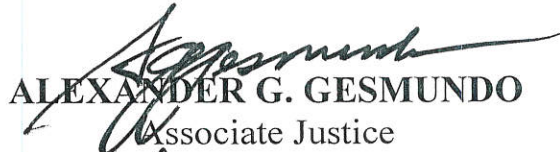
¹⁰ *Civil Service Commission v. Plopinio*, 808 Phil. 318, 339 (2017).

¹¹ *See*, for example, *Noces-De Leon v. Florendo*, 781 Phil. 334, 340-341 (2016); *Judge Lagado v. Leonido*, 741 Phil. 102, 107-108 (2014); and *Llamasares v. Pablico*, 607 Phil. 100, 103-104 (2009).

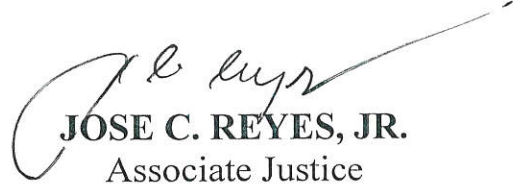


ALFREDO BENJAMIN S. CAGUIOA
Associate Justice

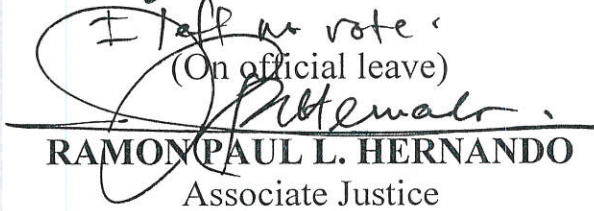
(On official leave)
ANDRES B. REYES, JR.
Associate Justice



ALEXANDER G. GESMUNDO
Associate Justice



JOSE C. REYES, JR.
Associate Justice

I left no vote.
(On official leave)

RAMON PAUL L. HERNANDO
Associate Justice



ROSMARI D. CARANDANG
Associate Justice



AMY C. LAZARO-JAVIER
Associate Justice



HENRI JEAN PAUL B. INTING
Associate Justice



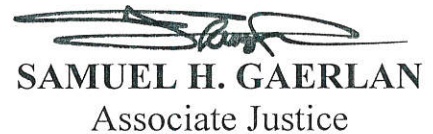
RODIL V. ZALAMEDA
Associate Justice



MARIO V. LOPEZ
Associate Justice



EDGARDO L. DELOS SANTOS
Associate Justice



SAMUEL H. GAERLAN
Associate Justice