



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **03 March 2021** which reads as follows:*

“A.M. No. P-21-009 [formerly OCA IPI No. 20-5012-P] (*Marilou Menor v. Rofylyn L. Lagundino, Clerk of Court III of Metropolitan Trial Court-Muntinlupa City, Branch 80 and Maria S. Usa, Records Officer I, Office of the Clerk of Court, Metropolitan Trial Court – Muntinlupa City, Branch 80*). –

ANTECEDENTS

In February 2020, complainant Marilou Menor (Menor) charged Rofylyn L. Lagundino (Lagundino), Clerk of Court III of Metropolitan Trial Court (MeTC)-Muntinlupa City, Branch 80 and Maria S. Usa (Usa), Records Officer I, Office of the Clerk of Court, Metropolitan Trial Court (MeTC)-Muntinlupa City, with Dishonesty, Obstruction of Justice, and Grave Misconduct.¹

Menor stated that she is the accused in Criminal Case Nos. 49685 (Less Serious Physical Injuries) and 49686 (Grave Threats). Nati Garcia (Nati) initiated these cases against her. Nati’s daughter, Flordeliza Garcia (Flordeliza), is a close friend of Usa. Usa manipulated the cases so they will land in the sala of Branch 80. To date, the cases have not been resolved despite the fact that they were filed way back in 2009 and are covered by the Rules on Summary Procedure. She filed a motion for leave for

¹ Rollo, p. 127.

demurrer to evidence and a motion to resolve it but Branch 80 did not act thereon, prompting her to file a motion to inhibit its Presiding Judge Jacob M. Montesa II (Judge Montesa). Lagundino, through another Branch 80 staff, requested her to withdraw the motion to inhibit because it was Lagundino who hid the motion from the judge so it would not be acted upon. Lagundino's action was triggered by her purported agreement with Usa and Flordeliza. Lagundino and Usa have been extorting money from litigants for years.²

In her comment, Lagundino denied any participation in any scheme to manipulate the filing of Menor's cases to her branch and to delay their resolution. She was not even employed in the Judiciary yet when the cases were filed in 2009. By the time she got appointed as clerk of court of MeTC-Muntinlupa City, Branch 80 in May 2019, the cases were already at the trial stage. Before her assignment to Branch 80, she was a court interpreter at MeTC- Las Pinas City, Branch 79.³

She also denied hiding Menor's motion to inhibit or demanding that the latter withdraw the same. In fact, when the motion was brought to her attention, she promptly included it in the February 7, 2020 calendar and sent a subpoena to complainant (Menor), although the latter refused to receive it.⁴

As for Menor's motion for leave for demurrer in evidence, as well as her motion to resolve, Lagundino explained that she was informed of the same only on February 6, 2020. The following day, Judge Montesa required one of the staffers to explain why the motions were not brought to the court's attention. While Usa asserted that she did not receive the motions, the clerk in charge of criminal cases Sheila Marie Malibago (Malibago) claimed that it was she who received the motions, after which she gave them to Usa.⁵

Further, Lagundino asserted that she never talked to Menor, except on that single occasion when the latter went to the court in February 2020 to ask for the cancelation of a hearing. Too, she denied receiving any money from litigants.⁶

On the part of Usa, she averred that she was designated as acting court interpreter of Branch 80 from July 13, 2017 until January 2, 2020. She did not know Nati, the party who initiated the criminal cases against Menor, and her daughter Flordeliza. The only time she saw Nati was when the latter attended the hearings of the cases. She did not manipulate the

² *Id.*

³ *Id.* at 128.

⁴ *Id.*

⁵ *Id.*

⁶ *Id.*

assignment of Nati's cases to Branch 80 since at the time of their filing, Branch 80 was the only branch in MeTC-Muntinlupa City.⁷

Nor did she conspire with Lagundino to hide the motion for leave for demurrer to evidence so the judge would not be able to act on it. She never received the motion. It was only after Judge Montesa called her attention about it that she saw it already stitched to the middle part of the records. It was Malibago who actually received the motion. She never extorted money from litigants.⁸

RECOMMENDATION OF THE OFFICE OF THE COURT ADMINISTRATOR (OCA)

In its Memorandum⁹ dated January 19, 2021, the OCA submitted the following recommendation:

1. The instant administrative complaint against Maria S. Usa, Records Officer I, Office of the Clerk of Court, Metropolitan Trial Court, Muntinlupa City, be **REDOCKETED** as a regular administrative matter, and that she be found **GUILTY** of simple neglect of duty and be **FINED** in the amount of Five Thousand Pesos (P5,000.00); and
2. The instant administrative complaint against Rofylyn L. Lagundino, Clerk of Court III, Branch 80, Metropolitan Trial Court, Muntinlupa City be **DISMISSED** for being unsubstantiated and for lack of merit.¹⁰

The OCA found that Lagundino and Usa were not responsible for the delay in resolving Criminal Case Nos. 49685 and 49686. These cases have already been long delayed even before they joined Branch 80. There is also no evidence that Usa manipulated the raffle of the cases to Branch 80.¹¹

On the alleged missing motion to inhibit, the OCA found that it was properly handled. It was received on February 6, 2020 and the next day, it was set for hearing on February 14, 2020.¹²

As for the alleged mishandling of the motion for leave for demurrer to evidence and the motion to resolve filed in 2019, the OCA found that these lapses were not due to malice or absence of good faith on the part of respondents. Upon the filing of these motions in Criminal Case Nos. 49685 and 49686, these cases were already included in the court calendar prepared by Usa, although the calendar did not specify the matters to be

⁷ *Id.* at 128-129.

⁸ *Id.* at 129.

⁹ *Id.* at 127-132. Signed by Court Administrator Jose Midas P. Marquez.

¹⁰ *Id.* at 131-132.

¹¹ *Id.* at 129.

¹² *Id.* at 130.

taken up. This belies the allegation that she intended to delay the proceedings. Had the cases been not postponed as scheduled, complainant's counsel could have made the proper manifestation regarding the filing of these motions.¹³

The foregoing notwithstanding, however, the OCA found Usa responsible for inadvertence resulting in the failure to immediately calendar the motions. She admitted that she started looking for the motions only when the presiding judge called her attention about them. She later found them stitched to the middle of the records. Her inadvertence constitutes simple neglect of duty which is classified as less grave offense 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.

The OCA credited her with two (2) mitigating circumstances: her sixteen (16) years of service in the Judiciary, starting as a court stenographer on February 18, 2003, and lack of any previous administrative charge. Hence, it recommended a fine of ₱5,000.00 to be imposed on her penalty.¹⁴

RULING

Lagundino and Usa are not liable for dishonesty, obstruction of justice, or grave misconduct.

Administrative charges against employees of the Judiciary must be supported by substantial evidence, the absence of which will result in the dismissal of the complaint. Here, except for her bare allegations, complainant Menor did not adduce even a single piece of evidence of the so called conspiracy between Lagundino and Usa to delay the resolution of her criminal cases or even to extort money from litigants. Consequently, they cannot be held liable for dishonesty, obstruction of justice, or grave misconduct.

Maria S. Usa, Records Officer I is guilty of simple neglect.

Even then, we sustain the recommendation of OCA that Usa should be held liable for simple neglect of duty. For she failed to give attention to the task expected of her as Records Officer I, signifying a disregard of her duty resulting from carelessness or indifference.¹⁵

¹³ *Id.* at 130-131.

¹⁴ *Id.* at 131.

¹⁵ *See Pesongco v. Estoya*, 519 Phil. 226, 242 (2006).

As found by OCA, Usa had official custody of the subject records since she was the one in charge of preparing the calendar of cases. As such, she was responsible for her inadvertent failure to immediately calendar the motion for leave for demurrer to evidence and the motion to resolve. Notably, while she initially denied receiving these motions, she later admitted that she found them stitched to the middle of the records only after Judge Montesa confronted her about the alleged missing motions. The same records were under her official custody, thus, she was officially responsible therefor.

Penalty

The inadvertence of Usa as heretofore shown constitutes simple neglect of duty which is classified as less grave offense 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.¹⁶

We approve the recommendation of OCA to credit Usa with two (2) mitigating circumstances: her sixteen (16) years of service in the Judiciary, starting as a court stenographer on February 18, 2003, and lack of any previous administrative charge against her. In this regard, we also find the recommendation of OCA to impose a fine of ₱5,000.00 to be proper. We, however, deem it likewise appropriate to sternly warn her that any future infraction she commits shall be dealt with more.

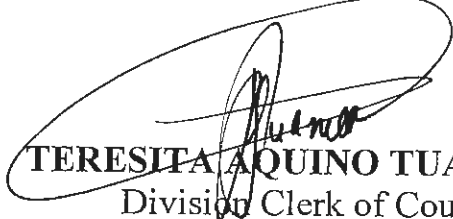
WHEREFORE, the Court resolves, as follows:

- 1) The present administrative complaint against Maria S. Usa, Records Officer I, Office of the Clerk of Court, Metropolitan Trial Court, Muntinlupa City is **REDOCKETED** as a regular administrative matter;
- 2) She is found **GUILTY** of simple neglect of duty and **FINED** Five Thousand Pesos (₱5,000.00), with stern warning that any future infraction she commits shall be dealt with more;
- 3) The present administrative complaint against Rofylyn L. Lagundino, Clerk of Court III, Branch 80, Metropolitan Trial Court, Muntinlupa City is **DISMISSED** for being unsubstantiated and for lack of merit.

¹⁶ Section 50(d)(1) of Rule 10 of the 2017 Rules on Administrative Cases in the Civil Service.

SO ORDERED.” (Rosario, *J.*, on leave)

By authority of the Court:



TERESITA AQUINO TUZON
Division Clerk of Court by 7/8
09 JUL 2021

COURT ADMINISTRATOR

Hon. Jose Midas P. Marquez (x)

DEPUTY COURT ADMINISTRATOR

Hon. Raul B. Villanueva (x)

Hon. Jenny Lind Aldecoa-Delorino (x)

Hon. Leo T. Madrazo (x)

ASSISTANT COURT ADMINISTRATOR

Hon. Lilian C. Baribal-Co (x)

Hon. Maria Regina Adoracion

Filomena M. Ignacio (x)

Legal Office (x)

Court Management Office (x)

Fiscal Management Office (x)

Docket & Clearance Division (x)

Office of Administrative Services (x)

Office of the Court Administrator

Supreme Court, Manila

MARILOU O. MENOR (reg)

Complainant

Karunungan Type C, NBP Reserve

Poblacion, Muntinlupa City

ROFYLYN L. LAGUNDINO (reg)

Clerk of Court III

Respondent

Metropolitan Trial Court, Branch 80

Muntinlupa City

MARIA S. USA (reg)

Records Officer I

Respondent

Office of the Clerk of Court

Metropolitan Trial Court

Muntinlupa City

HON. PRESIDING JUDGE (reg)

Metropolitan Trial Court

Muntinlupa City

PUBLIC INFORMATION OFFICE (x)

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OFFICE OF THE CHIEF ATTORNEY (x)

OFFICE OF THE REPORTER (x)

PHILIPPINE JUDICIAL ACADEMY (x)

Supreme Court, Manila

***CAS SECTION, RAFFLE COMMITTEE** (x)

Office of the Clerk of Court, En Banc

ROLLO ROOM (x)

Supreme Court, Manila

***CASH DIVISION** (x)

Office of the Court Administrator

Supreme Court, Manila

*For this resolution only

Please notify the Court of any change in your address.

AM No. P-21-009. 3/03/2021B(106)URES