

**BENJAMIN C. GRATELA, COMPLAINANT, VS. JOSE P. YONZON, JR.,
SHERIFF IV, RTC, BRANCH 51, SORSOGON, SORSOGON, RESPONDENT.**

A.M. Nos. P-91-590 & P-93-818. April 29, 1996

Ponente: VITUG, J.

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VITUG, J.:

Hon. Eudario B. Valencia, the Executive Judge of the Regional Trial Court of Sorsogon, Sorsogon, transmitted to the Court the letter-complaints of Clerk of Court Benjamin C. Gratela and Deputy Sheriff Jose P. Yonzon, Jr., both of Branch 51, each of them bringing administrative charges against the other.

In Administrative Matter No. P-91-590, Gratela charged Yonzon with drunkenness during office hours, assault on a superior, misconduct and threats. Specifically, Gratela alleged that on 06 May 1991 Yonzon, who apparently was drunk, pointed a finger at complainant and yelled, "Tarantado ka, putang ina mo. Bakit kinakalaban mo ako? Parot mo." Gratela tried to pacify Yonzon but the latter could not be appeased. Atty. Marilyn Valino of the Office of the Clerk of Court also tried to calm down Yonzon but the latter continued screaming invectives at Gratela. Yonzon picked up a typewriter, and he was about to throw it at Gratela when a certain Engineer Cunanan succeeded in grabbing it away from him. Once Yonzon had left the room, Gratela told Engineer Cunanan to lock the door but Yonzon came back violently kicking the door open. He pointed a knife at Gratela, threatening to kill the latter. Yonzon, showing continued belligerence, came in and out of the room until, finally, he grabbed Gratela by the neck, pushed him away and then threw things at him. At this juncture, two policemen arrived and restrained Yonzon from any further act of violence.

Yonzon denied the allegations. He countered that in the morning of 06 May 1991, he was in the Office of Presiding Judge Simon D. Encinas about to file his leave of absence when one Mr. Hilotin arrived requesting assistance for the issuance of a writ of execution on a case pending with Branch 51. Yonzon returned in the afternoon to inquire from complainant about the status of the request. The latter replied that the writ was already with Atty. Valino. A check, however, with the Office of the Clerk of Court revealed the contrary. Infuriated, Yonzon confronted complainant but the latter himself flared up and accused Yonzon of being interested in the case for money. The two ended up in a shouting match until, finally, complainant grabbed a knife and used it to threaten Yonzon. The latter withdrew but later returned with an old shotgun. He attempted to swing the gun at complainant had not Engineer Cunanan timely intervened.

Complainant, in his reply, said that respondent filed his application for leave only on 07 May 1991 and made it appear that he was absent on 06 May 1991.

The investigating Judge summoned, among other witnesses, Elsa Meneses, Joselita Maximo and Atty. Marilyn D. Valino to shed light on the incident.

Meneses declared that she could not exactly remember whether or not respondent was drunk but that both complainant and respondent did yell at each other. Complainant at one time held a bladed knife but she was not sure if the former was then facing respondent. Atty. Valino stated that there had, indeed, been an altercation

between complainant and respondent, and that the former held a knife. She did not notice respondent having been drunk at the time. Maximo confined herself to saying that her table glass and table nameplate were broken, and that she was informed of the confrontation between complainant and respondent by Meneses only after the incident.

Engineer Rodolfo Cunanan, testifying for respondent, confirmed the exchange of angry words between complainant and respondent but he said that it was complainant who threw things at respondent.

In Administrative Matter No. P-91-629, Yonzon, in turn, accused Gratela of:

- "1. Falsification of his daily time records making it appears that he regularly reported for work when in fact he was frequently absent;
2. Absenteeism;
3. Dishonesty;
4. Discourtesy in the course of official duties;
5. Neglect of duty;
6. Refusal to perform official duty; and
7. Immoral conduct/conduct unbecoming of a public officer in that he used his office as his lodging house free of charge, and whenever visited by a woman who was frequently there before lunch, he would lock themselves in. He is also often seen clad only in briefs during lunch breaks, unmindful of the public."

After the parties had submitted their respective comments, the Court, in its 03 March 1993 resolution, referred the administrative cases to Executive Judge Eudario B. Valencia for investigation, report and recommendation.

In a letter addressed to the Court Administrator, dated 15 June 1993, Yonzon requested for the designation of another investigator, averring that he had doubts on the partiality of Judge Valencia. In his 2nd Indorsement, dated 22 July 1993, Judge Valencia expressed that while the ground invoked by Yonzon was without any basis, he would not, however, proffer any objection to his being relieved from investigating the cases. In its resolution, dated 11 October 1993, the Court approved Judge Valencia's inhibition and designated Judge Haile F. Frivaldo, Regional Trial Court, Branch 54, Gubat Sorsogon, to conduct the investigation.

In his 1st Indorsement, dated 31 January 1994, Judge Frivaldo recommended the dismissal of A.M. No. P-91-629 on account of the death of Atty. Benjamin Gratela. Acting favorably on the endorsement, the Court, in its 22 August 1994 resolution, dismissed A.M. No. P-91-629. (Before that, in its resolution of 21 February 1994, the Court resolved to refer A.M. No. P-93-818 to Judge Frivaldo for consolidation with A.M. No. P-91-590 and A.M. No. P-91-629.)

In Administrative Matter No. P-93-818, Gratela charged respondent Yonzon with habitual drunkenness during office hours, misconduct and insubordination. He averred that on 22 July 1991, he went to Branch 51 and there he chanced upon respondent. He tried to avoid the latter but respondent followed and shouted at complainant. Judge Encinas tried to pacify respondent. Once outside the room, however, respondent continued screaming at complainant and challenged the latter to a fistfight. Gratela's allegations were supported by the sworn-affidavits of Mrs. Araceli Bustanera and Mrs. Josefa Grafaldeo.

Respondent, in his comment, admitted that he and complainant had an argument but averred that it was the latter who had given provocation. He claimed that he was at his room doing his work when complainant entered, stared at him contemptuously and then growled at him. Respondent attached to his comment the statements of Judge

Encinas and Court Aide Gavino B. Valino.

In his Final Report and Recommendation, dated 11 April 1995, Judge Frivaldo recommended thusly:

"In View of the Foregoing, it is recommended that:

1. In Adm. Matter No. P-91-590 - this case be dismissed for insufficiency of evidence;
2. In Adm. Matter No. P-93-818 - respondent Jose P. Yonzon, Jr., be adjudged guilty of simple misconduct and gross discourtesy and be meted the penalty of suspension from office for a period of ONE (1) MONTH and ONE (1) DAY."

Judge Frivaldo's report was referred to the Office of the Court Administrator. In a memorandum addressed to Chief Justice Andres R. Narvasa, dated 13 February 1994, the OCA, through Deputy Court Administrator Reynaldo L. Suarez, recommended:

"WHEREFORE, in view of the foregoing, Deputy Sheriff Jose P. Yonzon, Jr. in A.M. No. P-91-590 and A.M. No. P-93-818 is found guilty of Misconduct, Discourtesy to a Superior, and Conduct Unbecoming of a Public Official and be imposed a FINE of P5,000.00 payable upon receipt of the Court's resolution. Similarly, a Fine of P5,000.00 could have been imposed upon Clerk of Court Benjamin Gratela who is equally guilty but in view of his death, the findings against him be considered moot and academic."

We agree with OCA's report and evaluation although with a modification on the penalty recommended. The conduct of respondent has tended to degrade the dignity and the image of the judiciary. The Court looks upon with great disfavor any display of animosity by any court employee. Court personnel must, at all times, act with strict propriety and proper decorum so as to earn the public's regard for the judiciary.[1] Improper behavior, particularly during office hours, exhibits not only a paucity of professionalism at the workplace but also a great disrespect to the court itself. Such a demeanor is a failure of circumspection demanded of every public official and employee.

WHEREFORE, the Court, finding respondent guilty of misconduct imposes on him a FINE of P2,000.00, with a warning that any further infraction by him will severely be dealt with.

SO ORDERED.

Padilla, Bellosillo, Kapunan, and Hermosisima, Jr., JJ., concur.

[1] See *Apaga vs. Ponce*, A.M. No. P-95- 1119, 245 SCRA 233; *Tablate vs. Tanjutco-Seechung*, 234 SCRA 161.

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