

**ARNULFO F. LIM AND PEPITO C. ROYANDOYAN, COMPLAINANTS, VS. HON. SIXTO S. SEGUIBAN, RESPONDENT.***A.M. No. R-612-MTJ. March 10, 1988*Read online (full-text search, related cases, audio case brief): <https://batas.org/library/0910e9d24e8a/>**PER CURIAM:**

Arnulfo Lim, the clerk of court of the Municipal Trial Court of Allen, Samar, and Pepito Royandoyan, the process server of that court, charged their judge, Judge Sixto Seguiban, with coercion, oppression, injustice, harassment and gross misconduct.

Lim alleged that Judge Seguiban angrily slapped him in public at the doorway of the courtroom in the afternoon of February 24, 1986 because Lim had given to Pepito Royandoyan the latter's paycheck for the second quincena of February, 1986. Judge Seguiban himself had given the employees' paychecks to Lim for distribution to them. Lim gave Royandoyan's paycheck to him apparently forgetting that Royandoyan's temporary appointment had already expired on January 2, 1986. Lim's complaint is supported by his affidavit and those of eyewitnesses Patrolman Crisanto Agitan, Jr., Nilda Estremera and Teresita Timonan, employees in the Mayor's office.

Royandoyan's complaint alleged that respondent Judge acted with vindictiveness in forcibly taking his paycheck for the second quincena of February 1986 because he and Danilo Dalucapas had refused to sign an untruthful affidavit prepared by Judge Seguiban to be used in a criminal case which the Judge filed against his court stenographer, Libertad Suan, whom he had earlier jailed for contempt. As of October 7, 1985, Judge Seguiban barred Royandoyan from entering the office and court premises[1]. On February 24, 1986 he forcibly took from Royandoyan the latter's paycheck for the second quincena of February 1986.

Upon receipt of a copy of the complaint on August 11, 1986, Judge Seguiban advised Lim and another employee, Danilo Dalucapas, to resign or transfer to another office[2]. On August 14, 1986 he filed a petition for prohibition against Lim and Dalucapas, Spl. Civil Case No. A-540[3] but RTC Judge Clemente Rosales inhibited himself from hearing the case because he boards in the house of Judge Seguiban's parents-in-law. Nevertheless Dalucapas was sufficiently intimidated to quit his job in the court and seek employment elsewhere.

As an aftermath of the quarrels of the Judge with his clerk of court, process server, and court stenographer, a petition dated August 30, 1986 was signed by some 190 residents of Allen and sent to the Chief Justice, thru Executive Judge Clemente Rosales, asking for the ouster of Judge Seguiban for being harsh and rude to lawyers who appear in his sala; insulting them in the presence of their clients; branding his employees as thieves without justifiable cause; jailing a court stenographer for a simple mistake; and for sadistic behavior toward everyone in general.

On September 10, 1986, the court employees went on mass leaves of absence for various reasons and excuses.[4]

On October 6 to 9, 1986, all the court employees refused to work and picketed the court premises demanding the resignation of Judge Seguiban. On recommendation of Executive Judge Clemente Rosales of the Regional Trial Court in Allen, this Court, in an en banc resolution dated October 14, 1986, temporarily detailed Judge Seguiban at the MTC in San Isidro while Judge Genaro Siervo of that court was transferred to the MTC in Allen.

Retaliating against the pickets, Judge Seguiban filed on February 17, 1987 a charge of insubordination against five (5) court employees, namely, Arnulfo Lim, Crispulo Padida, Mita Sabordo, Libertad Suan, and Jaime Almasco. The latter filed a countercharge of falsification (issuing a false certificate of clearance to Godoberto C. Cabahug who had in fact been convicted of slight physical injuries in Criminal Case No. 2515) against the Judge.

The charges of Arnulfo Lim and Pepito Royandoyan were referred to Judge Cesar R. Cinco, Executive Judge of the RTC at Catarman, Samar, for investigation[5]. Three witnesses testified for the complainants while Judge Seguiban was the lone witness in his behalf. Judge Cinco recommended the dismissal of the charges "with the respondent being admonished to be more restrained and prudent his behaviour".

After a careful review of the records, We find:

(1)

That Pepito Royandoyan's charge of vindictiveness against respondent Judge should be dismissed for lack of basis it having been established that Royandoyan's provisional appointment as process server expired on January 2, 1986, hence, he ceased to be employed in the Government and was not entitled to compensation thereafter;

(2)

That respondent Judge is guilty of oppression and gross misconduct in slapping his clerk of court, Arnulfo Lim, in public and thereafter, harassing him to resign or transfer to another office on account of this administrative charge which Lim filed against him. Judge Seguiban's bare denial of the slapping incident is unconvincing. He admitted that two court employees, Crispulo Padida and Jaime Almasco "were able to see what actually transpired" between him and Lim "because they were inside the courtroom" and that both witnesses executed a joint affidavit[6] "relative to the incident"[7]

Respondent Judge's notorious predisposition to use physical violence and intemperate language against his subordinates reveals a marked lack of judicial temperament and self-restraint, traits not only desirable, but indispensable, for every judge to possess besides the basic equipment of learning in the law. He has demonstrated his unfitness to be a judge as behaviour such as he has exhibited puts the judiciary in disrepute[8]. He should be reminded that "he who sows the wind will reap the whirlwind"[9]

WHEREFORE, for having acted in an oppressive, improper, and violent manner against his clerk of court, Arnulfo Lim, by slapping the complainant on the face in public without sufficient provocation or justifiable cause, and in gross violation of his dignity as a person, Judge Sixto S. Seguiban is hereby dismissed from the service without prejudice to payment of the benefits due him for the period of his service in the Government. The temporary detail of MTC Judge Genaro Siervo in Allen, Samar, is hereby terminated. He is ordered to return to his regular station at San Isidro, Samar.

With respect to the administrative charge of insubordination and picketing[10] filed by Judge Seguiban against his five (5) court employees in Allen, namely, Arnulfo Lim, Crispulo Padida, Jr., Mita Sabordo, Libertad R. Suan, and Jaime Almasco, said employees are admonished not to repeat the same under pain of more severe penalty in the future.

In view of the decision to terminate Judge Seguiban's service on the Bench, no further action need be taken on the countercharge of falsification and oppression, coercion, and harassment filed by the respondents-employees against him.

**SO ORDERED.**

Teehankee, C.J., Yap, Fernan, Narvasa, Melencio-Herrera, Gutierrez, Jr., Cruz, Paras, Feliciano, Gancayco, Padilla, Bidin, Sarmiento, Cortes, and Griño-Aquino, JJ., concur.

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[1] Exhibit 10.

[2] Exhibit C or 11.

[3] p. 48, Record.

[4] p. 27, Rollo.

[5] p. 92, Rollo.

[6] Exhibit 1

[7] p. 52, TSN, January 9, 1987.

[8] Rep. Act 296, as amended, Sec. 97.

[9] Fernandez vs. Bello, 107 Phil. 1140.

[10] Adm. Matter No. P-87-61

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