

ATTY. JONNA M. ESCABARTE, JUDGE BONIFACIO SANZ MACEDA, SOTERA JAVIER, LETICIA AGBAYANI, NELLY CHAVEZ, CLAIRE GERERO, JOSEFINO ORTIZ, ANA RAMOS AND EDGAR VILLAR, ALL OF THE RTC, ...

A.M. No. P-09-2602 (Formerly A.M. OCA IPI No. 07-2583-P). December 01, 2010

Ponente: BRION, J.

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BRION, J.:

For resolution are the present consolidated administrative complaints involving the presiding judge and the staff of the Regional Trial Court (RTC), Branch 275, Las Piñas City. The first, A.M. OCA IPI No. 07-2583-P, stemmed from a letter-petition, dated March 12, 2007,[1] filed by the court's staff, led by Atty. Jonna M. Escabarte, Branch Clerk of Court, praying that Ms. Loida Marcelina J. Genabe, Legal Researcher of the same court, be placed under preventive suspension. The second, A.M. OCA IPI No. 08-2792-RTJ, involves Genabe's countercharges of (1) acts of oppression and malversation of funds against Judge Bonifacio Sanz Maceda, and (2) dishonesty and falsification of daily time records (DTRs) against Escabarte; Leticia B. Agbayani, Court Stenographer; Claire Layco-Gerero, Court Stenographer; Ana Dalore-Ramos, Court Stenographer; Josefino R. Ortiz, Sheriff; Sotera T. Javier, Court Interpreter; Edgar F. Villar, Clerk; and Nelly R. Chavez, Utility Aide.[2]

The Antecedents

The material facts are summarized below.

The letter-petition of the staff of the RTC, Branch 275, Las Piñas City, is the offshoot of the order, dated December 21, 2006,[3] of Judge Maceda suspending Genabe for 30 days for neglect of duty. Escabarte and her group alleged that Genabe continued to render service despite her 30-day suspension by Judge Maceda and the judge's recommendation, contained in his investigation, report and recommendation (IRRC), dated January 18, 2007,[4] submitted to the Office of the Court Administrator (OCA), that

Genabe be preventively suspended and, thereafter, dismissed from the service.

According to the judge, he issued the order after Genabe became unruly and highly combative during the staff meeting in his chambers on November 29, 2006, shouting disrespectfully to him, "hindi na ko kailangan karinyo karinyohin pa ninyo x x x ang kakapal nyo x x x hindi kagalang galang,"[5] and disrupting the meeting; Genabe's outburst was a reaction to Escabarte's memorandum dated November 20, 2006,[6] citing her for neglectfully leaving for Baguio City on November 16, 2006, to attend the convention of legal researchers, without finishing her assigned task to summarize the statement of facts of a criminal case set for promulgation on November 21, 2006 (Criminal Case Nos. 03-0059 to 03-0063).

The IRRC, on the other hand, came about when Judge Maceda, at his own initiative, conducted an investigation of Genabe for attending the convention with an unfinished assigned task and for conduct unbecoming, pursuant to Rule 135 of the Rules of Court, Circular No. 30-91 dated September 30, 1991, and the ruling in *Aguirre v.*

Baltazar.[7]

In support of their petition, Escabarte and the others alleged that Genabe continued to bully the staff of Branch 275, causing trouble and conflict in the office, as validated by the following incidents:

- On December 27, 2006, Genabe, allegedly without provocation, shouted defamatory accusations at Agbayani, court stenographer, thus, "Ang galing mo Lety, sinabi mo na tinapos mo yung Marvilla case, ang galing mo. Feeling lawyer ka kasi, bakit di ka magduty na lang, stenographer ka, magsteno ka na lang, ang galing mo, feeling lawyer ka talaga. Nagbebenta ka ng kaso, tirador ka ng Judge. Sige high blood din ka, mamatay ka sana sa high blood mo." [8] Apparently, Genabe was blaming Agbayani for her suspension. Genabe's derogatory statements allegedly echoed along the court's hallway and were heard by several court employees who executed affidavits regarding the incident.

Agbayani filed a criminal complaint for grave oral defamation against Genabe, and Prosecutor Carlo DL Monzon recommended the filing of an information against Genabe.

- Escabarte filed a report, dated February 20, 2007, for Judge Maceda saying that Genabe, in apparent dissatisfaction of the low performance rating for the 2nd semester of 2006 she got from Escabarte, accused her and the other members of the court's staff of conspiring against her and falsifying their DTRs.

- In a police blotter dated March 8, 2007, it appeared that Genabe allegedly called Gerero, court stenographer, "pinakamandaraya sa Branch na ito." [9] Previously, Genabe was also quoted saying, "Hindi ka in sa Branch na ito kapag hindi ka mandaraya." [10]

In her Comment dated May 28, 2007, [11] Genabe denied the complainants' allegation that there was no provocation when she allegedly insulted Agbayani in December 2006; she just asked Agbayani why she claimed to have finished the bulk of the summary of facts of the criminal cases when she had almost finished the task before she left for Baguio City; and the alleged offensive remarks she made against Agbayani were work-related and based on her honest assessment of the situation.

Genabe admitted that she protested the performance rating she obtained from Escabarte for July 2006 to December 2006 and claimed that it must have been caused by her being observant and vocal about office decorum and practices and which must have drawn the ire of Atty. Escabarte.

Genabe likewise denied that she verbally abused Gerero, saying that Gerero must have found out that she knew Gerero leaves during office hours to attend her classes at the Perpetual University.

In a turnaround, Genabe accused the court staff of having their Bundy cards punched in and out "on-time" by just one employee, as confirmed by the monthly attendance record of the employees. She alleged that she actually witnessed court interpreter Javier punch the DTRs of several employees; yet, despite the false entries in the DTRs, Escabarte certified the correctness of the DTRs; Judge Maceda himself had no way of knowing the anomalous practice as he himself reports for work only at two o'clock in the afternoon daily.

Finally, Genabe claimed that Judge Maceda treated her oppressively to drive her out of her employment in the judiciary and to get even with her on account of her intolerance of the anomalous practices prevailing in the court. She narrated that Judge Maceda would insult her during staff meetings and, on numerous occasions, even demanded that she resign from office; Judge Maceda's alter ego, Agbayani, had been securing the signatures of court and non-court employees of Las Piñas City to substantiate the complaints against her, thus isolating her and rendering her inutile since no work had been assigned to her from the time she reported back for work.

Further, Genabe accused Judge Maceda of malversation when the judge allegedly diverted to other purposes the

court's training budget for 2006, obtained from the Las Piñas City government, as there had been no seminar/training had been conducted.

The Comments of Escabarte and the Other Personnel of RTC Branch 275, Las Piñas City

In compliance with the Court's Resolution of January 16, 2008,[12] the respondent members of the staff of the RTC, Branch 275, Las Piñas City, in A.M. OCA IPI No. 08-2792-RTJ, filed their individual comments on Genabe's charges of dishonesty and falsification of DTRs.[13] They all denied Genabe's accusations and characterized her as an officemate with a volatile personality and who picks quarrels with the other personnel of the court and even non-court employees.

Specifically, they denied the charge of falsifying their DTRs. If it was true that Genabe had knowledge of the anomaly as early as two weeks after she commenced employment with the court, they wondered why it took her so long to divulge it and why she did not report the practice to Judge Maceda. In any event, they maintained that no evidence had been adduced establishing their involvement in the alleged anomaly.

Judge Maceda's Comment

On February 26, 2008, Judge Maceda filed his Comment[14] to Genabe's counter-charge against him. He even expressed surprise about it because he was not a party to the staff's complaint against her. He explained that he merely conducted an inquiry into the staff's letter-complaint, dated January 2, 2005,[15] praying that Genabe's lateral transfer be denied and that she be required to resign and seek employment elsewhere. The staff then charged Genabe for dereliction of duty and for some attitude problem, particularly her quarrelsome behavior that, according to the staff, needed psychiatric treatment.

Judge Maceda pointed out that his inquiry adverted to Genabe's 30-day suspension (for a light offense) in his order, dated December 21, 2006,[16] pursuant to SC Circular No. 30-91, which provides that the presiding judge of a particular branch, as the "head of office," retains the disciplining authority over his own personnel. He argued that Genabe had no basis in claiming that her suspension was "oppressive," for it was supported with facts.

As to Genabe's performance rating which offended her, Judge Maceda explained that her poor performance may be excused once or twice, but beyond that, she deserved a stern lecture or even scolding which is not "verbal abuse" per se. He claimed Genabe already had, at the time, three low ratings.

Judge Maceda withheld comment on the intramurals among his staff, saying that the matter was between Genabe and the other court personnel and, therefore, Genabe's "quarrelsome behavior" was better told by the members of the staff themselves.

With respect to Genabe's malversation charge, Judge Maceda argued that no irregularity intervened in the handling of the training fund provided to the RTC, Branch 275 by the Las Piñas City as it was extended as a financial assistance to the court that needed no liquidation; the Las Piñas City itself had not asked for a liquidation and the sums given for the personal expenses of the recipients is not an accountable judicial fund.

The OCA Report/Recommendation

On November 6, 2008, the OCA submitted a Memorandum/Report[17] on the present administrative matters. It recommended the following: (1) Genabe be found guilty of conduct prejudicial to the best interest of the

service and conduct unbecoming of a court employee and be fined in an amount equivalent to one month's salary; (2) Judge Maceda be reminded to strictly comply with A.M. No. 03-8-02-SC, with a warning against a similar violation in the future; and (3) the charge against Escabarte, Agbayani, Chavez, Gerero, Ortiz, Ramos and Villar

be dismissed for lack of merit.

The Court's Ruling

We find the OCA recommendations well-founded.

First. Genabe ought to be disciplined. Although she had already been sanctioned by Judge Maceda for neglect of duty with a 30-day suspension (for the November 29, 2006 incident),^[18] we cannot close our eyes to her work ethic and quarrelsome deportment in office as shown by the December 27, 2006 incident involving her and Agbayani. As abundantly demonstrated by the staff of the RTC, Branch 275, Las Piñas City, she had the habit of hurling "invectives" at her superiors and co-employees who displeased her and whom she suspected of having caused her suspension. The OCA itself found the unsavory and defamatory remarks Genabe threw at her officemates to have been made in a fit of anger, the product of uncontrolled rage and passionate outburst of emotions, unavoidably creating an unwholesome atmosphere in the court. It is no surprise then that the court staff urged Judge Maceda to deny Genabe's lateral transfer and to ask her to resign and seek employment elsewhere.

Without doubt, Genabe's negative attitude and penchant for using offensive language can only prejudice the best interest of the service, not to mention that they constitute conduct unbecoming a court employee. It is well to remind Genabe that "the conduct and behavior of everyone connected with x x x the dispensation of justice, from the presiding judge to the x x x lowliest clerk x x x must be characterized with propriety and decorum,^[19] as Genabe's attitude goes against the principles of public service. Also, every "official and employee of an agency involved in the administration of justice, like the Court of Appeals, from the Presiding Justice to the most junior clerk, should be circumscribed with the heavy burden of responsibility.

Second. We agree with the OCA observations that while the act of Judge Maceda in disciplining Genabe with a 30-day suspension is "not oppressive, capricious or despotic, that is, without color of law or reason, or without supporting facts,"^[20] he still had no authority to directly discipline her under the terms of A.M. No. 03-8-02-SC,^[21] which provides:

CHAPTER VIII. Administrative Discipline.

SECTION 1. Disciplinary jurisdiction over light offenses. - The Executive Judge shall have the authority to act upon and investigate administrative complaints involving light offenses as defined under the Civil Service Law and Rules (Administrative Code of 1987), and the Code of Conduct and Ethical Standards for Public Officials and Employees (Republic Act No. 6713), where the penalty is reprimand, suspension for not more than thirty (30) days, or a fine not exceeding thirty (30) days' salary, and as classified in pertinent Civil Service resolutions or issuances, filed by (a) a judge against a court employee, except lawyers, who both work in the same station within the Executive Judge's area of supervision; or (b) a court employee against another court employee, except lawyers, who both work in the same station within the Executive Judge's area of supervision;

In the preceding instances, the Executive Judge shall conduct the necessary inquiry and submit to the Office of the Court Administrator the results thereof with a recommendation as to the action to be taken thereon, including the penalty to be imposed, if any, within thirty (30) days from termination of said inquiry. At his/her discretion, the Executive Judge may delegate the investigation of complaints involving light offenses to any of the Presiding Judges or court officials within his/her area of administrative supervision.

Under these terms, Judge Maceda's order of December 21, 2006 was clearly out of line. But while the Judge overstepped the limits of his authority, we see no reason not to ratify his action in light of its obvious merits. Thus, the 30-day suspension he imposed should stand but he should be warned against a repetition of the direct action he took.

On the matter of the Judge's handling of the Subic seminar fund in September 2006, provided by the Las Piñas

City, we agree with the OCA that the judge cannot not be held liable. Nevertheless, in view of the nature of the fund (which required no liquidation and is not an accountable judicial fund), we believe that the Judge should have taken steps - such as the informing the court staff or filing of a report with the OCA - on how the fund was handled. This precautionary move would have placed the Judge above any suspicion of impropriety. We stress that "Judges shall avoid impropriety and the appearance of impropriety in all their activities." [22]

Third. We likewise agree with the OCA recommendation that the charge of dishonesty and the charge of falsification against Escabarte and the other members of the staff be dismissed. We quote with approval the OCA finding on this point, thus -

Under Section 23, par. (f), Rule XIV of the Omnibus Rules Implementing Book V of Executive Order No. 292 and Other Pertinent Civil Service Laws, falsification of official documents is punishable with dismissal from the service even for the first offense. Complainant Genabe's allegation, however, fell short of being supported with substantial evidence to hold her officemates-respondents administratively liable for falsification of their Daily Time Records. Complainant's averments, unsupported by substantial evidence, remain bare and unsubstantiated allegations. Well-settled is the rule in this jurisdiction that, in the resolution of complaints, reliance should not be reposed on the weakness of the defense, answer or comment but on the strength of the evidence adduced by the complainant.

WHEREFORE, premises considered, Loida Marcelina J. Genabe, Legal Researcher, RTC, Branch 275, City of Las Piñas, is declared GUILTY of conduct prejudicial to the best interest of the service and conduct unbecoming of a court employee; is ordered to pay a FINE equivalent to her one month's salary; and is WARNED that a similar violation in the future shall be dealt with more severely.

Judge Bonifacio Sanz Maceda is WARNED against a similar violation in the future of A.M. No. 03-8-02-SC, and is advised to avoid any appearance of impropriety in the handling of financial assistance from the local government.

The charges of dishonesty and falsification of public documents in A.M. OCA IPI No. 08-2792-RTJ against Jonna M. Escabarte, Leticia Agbayani, Nelly Chavez, Josefino Ortiz, Claire Gerero, Sotera Javier, Ana Ramos and Edgar Villar are DISMISSED for lack of merit.

SO ORDERED.

Carpio Morales, (Chairperson), Bersamin, Villarama, Jr., and Sereno, JJ., concur.

[1] Rollo, pp. 230-232.

[2] Id. at 260-266; contained in Genabe's Comment dated May 28, 2007.

[3] Id. at 11-13; A.M. No. 07-2-93-RTC (re-docketed as P-07-2320).

[4] Id. at 14-25.

[5] Id. at 11.

[6] Id. at 34.

[7] A.M. No. P-05-1957, February 7, 2005, 450 SCRA 518.

[8] Rollo, p. 2.

[9] Ibid.

[10] Ibid.

[11] Supra note 2.

[12] Id. at 315-316.

[13] Id. at 583-602 (Agbayani); pp. 624-633 (Ramos); pp. 654-658 (Chavez); pp. 659-663 (Villar); pp. 664-670 (Ortiz); pp. 670-672 (Gerero); pp. 691-695 (Javier); pp. 705-713 (Escabarte).

[14] Id. at 373-381.

[15] Id. at 382-383; Annex "A," Judge Maceda's Comment.

[16] Supra note 3.

[17] Id. at 731-735.

[18] Supra note 3.

[19] *Almacha v. Payumo*, A.M. No. P-05-2010, June 8, 2007, 524 SCRA 34, 40.

[20] Rollo, p. 733.

[21] Guidelines on the Selection and Appointment of Executive Judges and Defining Their Powers, Prerogatives and Duties, approved on January 27, 2004 and took effect on February 15, 2004.

[22] New Code of Conduct for the Philippine Judiciary, Canon 4(1).

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