

**JUDGE ANTONIO C. REYES, COMPLAINANT, VS. ALBERTO R. VIDOR,
UTILITY WORKER I, REGIONAL TRIAL COURT, BRANCH 3, BAGUIO
CITY, RESPONDENT.**

A.M. No. P-02-1552. December 03, 2002

Ponente: SANDOVAL-GUTIERREZ, J.

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SANDOVAL-GUTIERREZ, J.:

On September 19, 2000, the Office of the Court Administrator (OCA) received a copy of the September 7, 2000 Memorandum of Executive Judge Antonio Reyes, Regional Trial Court, Baguio City, addressed to respondent Alberto Vidor, Utility Worker I, Branch 3 of the same court, quoted as follows:

“OFFICE OF THE EXECUTIVE JUDGE

“MEMORANDUM TO:

MR. ALBERTO VIDOR
Utility Worker I
Regional Trial Court
Branch 3
Baguio City

For habitual drunkenness and for displaying unruly behavior during office hours, particularly today, September 7, 2000 at exactly 4:40 in the afternoon in the presence of the undersigned, which constitute a clear violation of the Civil Service Law, you are hereby SUSPENDED for a period of one (1) month without pay effective September 8, 2000.

(Sgd.) ANTONIO C. REYES

Executive Judge”

In his 1st Indorsement dated October 19, 2000, then Court Administrator Alfredo L. Benipayo directed respondent to comment on the Memorandum.

Respondent, in his comment, admitted the charges and apologized to Executive Judge Reyes, pleading that his suspension be limited to only 1 week without pay and promising not to commit similar acts in the future.

On September 20, 2000, Executive Judge Reyes issued an Order reconsidering his Memorandum of September 7, 2000 by lifting the suspension of respondent but with a stern warning that a repetition of the same acts will be dealt with more severely.

The OCA, through Deputy Court Administrator Jose P. Perez, submitted to this Court a Report and

Recommendation partly quoted as follows:

“EVALUATION: We will dwell first on the issue of the lifting of the suspension order by complainant against herein respondent. “Section (7) IV of Administrative Order No. 6 provides, thus:

‘Specific Powers, Prerogatives and Duties of the Executive Judge:

x x x

To recommend to the Supreme Court the imposition upon erring employees of such disciplinary sanctions as may be necessary and proper; and, pending the administrative investigation or its review by the Supreme Court, to place the respondent under preventive suspension in accordance with Civil Service rules and regulations, furnishing the Supreme Court a copy of the order of suspension and the grounds therefor without unnecessary delay.

x x x’

“Based on the foregoing provision, the ‘suspension’ initially imposed by complainant may be considered a preventive suspension. A preventive suspension, when read in conjunction with the Civil Service Law, has a maximum duration of ninety (90) days after which, the respondent who is not a presidential appointee, shall be automatically reinstated in the service.

“In the case at hand, the suspension was not implemented when the same was recalled by complainant himself two (2) weeks after its supposed effectivity upon consideration of respondent’s apology and promise not to commit acts of similar nature in the future.

“The Court has repeatedly emphasized that the conduct and behavior of every court personnel (charged) with the dispensation of justice is attended with the heavy burden of responsibility. Court employees and officers must at all times observe propriety and decorum. Based on the fact that respondent acknowledged his error and did not contest the complaint against him we deem it sufficient to make a cursory review of the matter.

“While the complainant in this case may have forgiven respondent in view of the subsequent memorandum of recall, the Court, charged as it is with enforcing discipline in the judiciary, cannot simply close its eyes to respondent’s act of intransigence. The lifting of the suspension will not free respondent from any sanction. Administrative proceedings against public employees are imbued with public interest, public office being a public trust.

“RECOMMENDATION: Respectfully submitted for the consideration of the Honorable Court that respondent Alberto R. Vidor be FINED in the amount of One Thousand Pesos (P1,000.00) with REPRIMAND that a repetition of the same will be dealt with more severely.” (emphasis added)

In a Resolution dated February 6, 2002, this Court ordered that this case be docketed as an administrative matter and required the parties to manifest, within 20 days from notice, whether they are submitting the case for decision on the basis of the pleadings/records already filed.

Both parties filed their respective manifestations that they are willing to have the case so decided.

We agree with Deputy Court Administrator Perez that respondent should be sanctioned for habitual drunkenness which, according to Executive Judge Reyes, constitutes unruly behavior. This Court has often emphasized that the conduct and behavior of every person connected with the dispensation of justice, from the highest official to the lowliest employee, should be circumscribed with the heavy burden of responsibility. This is so because the image of a court of justice is necessarily mirrored in the conduct, official or otherwise, of the men and women who work thereat. Thus, court employees have been enjoined to adhere to the exacting standards of morality and decency in

order to preserve the judiciary's good name and standing as a true temple of justice.[1] Respondent's actuations fell short of the said standards.

Incidentally, Executive Judge Reyes has no authority to directly penalize respondent. Pursuant to Administrative Order No. 6 on Executive Judges issued by this Court on June 30, 1975, they can only recommend the necessary disciplinary sanction.

Under Section 52, B(6), Rule IV of the Revised Uniform Rules on Administrative Cases in the Civil Service, habitual drunkenness is classified as a less grave offense and is punishable by suspension for 1 month and 1 day to 6 months for the first offense.

On this point, records show that respondent had served a one-week suspension and was sternly warned, pursuant to the Memorandum of Executive Judge Reyes. He now pleads that no additional penalty should be imposed upon him, stressing that he has served the judiciary as utility worker for the past 27 years.

We cannot deviate from the Civil Service Rules. To impose upon respondent a lesser penalty would render nugatory the intent of the Civil Service Commission to impose the corresponding uniform penalties for administrative offenses involved. Considering, however, that he had served in the court for 27 years,[2] the minimum of the penalty may be imposed.

WHEREFORE, finding respondent Alberto Vidor guilty of habitual drunkenness, he is **SUSPENDED** from the service for **THIRTY FIVE (35) DAYS WITHOUT MONEY BENEFITS, INCLUDING LEAVE CREDITS**. The period of one week he already served should be deducted therefrom. He is further warned that a repetition of the same offense shall be dealt with more severely.

SO ORDERED.

Panganiban, (Acting Chairman), Corona, and Carpio Morales, JJ., concur.
Puno, J., (Chairman), on leave.

[1] *Escañan vs. Monterola*, 351 SCRA 228, 235 (2001); *Pizarro vs. Villegas*, 345 SCRA 42, 48 (2000); *Marquez vs. Clores-Ramos*, 336 SCRA 122, 131 (2000); *Bucatcat vs. Bucatcat*, 323 SCRA 578, 588 (2000); *Jerez vs. Paninsuro*, 304 SCRA 480, 184-185 (1999).

[2] Section 53 (j), Rule IV of the Revised Uniform Rules on Administrative Cases in the Civil Service considers length of service in the government as a mitigating circumstance.

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