JUDGE MARIVIC T. BALISI-UMALI, COMPLAINANT, VS. SIXTO A. PEÑALOSA,

A.M. No. P-99-1326 (Formerly OCA IPI No. 98-470-P). November 18, 1999

Ponente: QUISUMBING, J.

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QUISUMBING, J.:

In a letter to the Office of the Court Administrator dated May 20, 1998 and coursed through San Pablo City Regional Trial Court Executive Judge Bienvenido V. Reyes, herein complainant Judge Marivic T. Balisi-Umali, Presiding Judge of Branch 30 of the San Pablo City RTC, narrated how respondent Sixto A. Peñaloza, Utility Worker of the same RTC Branch, flagrantly undermined her authority as presiding judge.

Complainant's narration[2] follows:

> "At about 11:10 o'clock in the morning of May 8, 1998, the Presiding Judge of this Court, Hon. Marivic T. Balisi-Umali was in the staff room correcting drafts of and signing orders.
>
> Mrs. Leonila V. Buena, a stenographer of the Branch who is assigned to request for and receive the issued supplies from the City's supply officer sought permission for her to be allowed to see the supply officer because two bottles of cleanser and three bars of laundry soap were not among those delivered but which appeared on the Requisition and Issue Voucher to have been released to and received by Sixto Peñaloza, the utility worker of the Branch.
>
> The Judge wondered how it came to be that the items were not included among those delivered when they were already released and received. The Court Interpreter, Mrs. Bella A. Reyes, said "they were lost in transit, Judge. That is the legal term."
>
> Upon hearing the comment of Mrs. Reyes, Sixto Peñaloza then standing nearly in front of the Judge retorted: "Anong lost in transit?", in a loud and angry voice. When the judge asked: "Bakit, sino bang kumuha at nagdala ng mga supplies dito?" Peñaloza answered: "Ako, bakit?"
>
> The Judge said: "Oh, eh ikaw pala ang nagdala, nasaan ang mga supplies, ba't di mo alam" Peñaloza growled [at] the Judge "Nando'n sa courtroom, tingnan mo."
>
> The Judge answered: "Hindi naman ikaw ang nagdala ng mga supplies ah, dahil si Siony ang nakita kong may bitbit ng mga ito." Peñaloza answered: "Ako ang nagbitbit ng mga iba, hirap na ako kaya tinulungan ako ni Siony, tingnan mo sa courtroom at nandoon ang mga supplies, doon ko dinala."
>
> Sensing that the conversation was going nowhere because Peñaloza was already raising his voice, the Judge said: "Siya tumigil ka na, tama na." Peñaloza answered her, "Tama na, ay di tama na, sinabi mong tama na, eh di tama ka na rin, lagi na lamang ako ang nakikita mo, kahit maliit na bagay, hirap na nga ako eh."
>
> The Judge said: "Oh, ay hirap ka na pala, ba't di ka pa mag-retire." Peñaloza answered: "Ba't ako magre-retire? Bakit mo ako pinagre-retire?"
>
> The Judge who was already irked by Peñaloza's loud voice and rudeness, said: "At bakit, sino ka ba dito, bakit

> mo ako pinagtataasan ng boses, tinatanong ko lang naman kung sino ang nagdala ng mga supplies ah?"
>
> Peñaloza replied: "At bakit, sino ka rin dito? So the Judge said: "Lumabas ka nga dito, porque ba't ang mga babae dito ay nasisigawan mo at takot sa iyo, pati ba ako ay pagtataasan mo rin ng boses? AKO ay Judge dito."
>
> Peñaloza menacingly approached the Judge saying in a loud voice, "Lumabas ay di lalabas, sinabi mong lumabas eh."
>
> Raising her voice, the Judge said: "Punyeta ka, lumabas ka na." Peñaloza answered: "Punyeta, huwag mo akong pinupunyeta." He went out of the room. Not long after, he returned and contemptuously said to the Judge: "Oh, ano?" and the Judge replied: "Ano ka rin."
>
> At this juncture, Mario S. Devanadera, Process Server pulled away Peñaloza who at first refused to go away."

Complainant charged respondent with dishonorable conduct, insubordination, discourtesy towards a superior, incompetence and acts unbecoming of a civil servant. Also attached to complainant's letter were three memoranda addressed to respondent[3] concerning disciplinary matters: failure to attend the flag ceremony, habitual absence from work, and non-observance of official working hours.

The OCA directed Judge Reyes to formally investigate the matter in a letter dated June 4, 1998. On the same day, complainant, in view of the incident that transpired between her and respondent, requested that the latter be removed from Branch 30. Respondent was subsequently transferred to the Office of the Municipal Trial Court in Cities, in San Pablo City.

In a hearing conducted on June 25, 1998, respondent submitted his counter-affidavit in which he essentially admitted his misdeed. However, he stated that he did not intend to be disrespectful towards complainant. According to him, he was only tired on the day of the incident. Respondent apologized to complainant in the same counter-affidavit.

For her part, complainant stated that while she had forgiven respondent, she was not withdrawing the charges against him. She also reiterated her request for the latter's transfer.

On the strength of the evidence before him, Judge Reyes found respondent guilty of gross discourtesy in the course of performance of official duties. Judge Reyes recommended that, per Section 22, Rule XIV[4] of the Omnibus Rules on the Civil Service, respondent be suspended for three months, with a warning that a second offense will be dealt with more severely.

The OCA agreed with this recommendation, stressing that the act of respondent was "totally unbecoming of an employee who forms part of the judicial service."

We likewise give our assent to this recommendation.

In Gratela v. Yonzon,[5] we held that,

> "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."

The conduct of court employees must always be characterized by, among others, strict propriety and decorum. This norm of behavior must be observed not only when dealing with other people but also, more importantly, when dealing with a superior.

> "Not only is a court employee expected to be well-mannered, civil and considerate in his actuations, official or otherwise, but, more than anybody else, he is bound to manifest to his superiors, more particularly, to the

> presiding Judge, utmost respect and obedience to the latter's orders and instructions issued pursuant to the duties of the office the Judge holds."[6]

Respect for one's superior is only to be expected. To be sure, there is no room for gross discourtesy in the ranks of court employees.

WHEREFORE, respondent Sixto A. Peñaloza, Utility Worker of the Regional Trial Court, San Pablo City, Branch 30, is hereby found GUILTY of gross discourtesy in the course of official duties and is FINED P3,000.00, with a warning that a repetition of the same offense shall be dealt with more severely.

SO ORDERED.

Bellosillo, (Chairman), Mendoza, Buena, and De Leon, Jr., JJ., concur.

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[1] Spelled as "Peñaloza" in the records.

[2] Adopted from the report prepared by RTC, San Pablo City, Branch 30 OIC-Clerk of Court Marissa L. Gozo.

[3] One memorandum, regarding attendance at the flag ceremony, was addressed to three other persons.

[4] On Discipline.

[5] 256 SCRA 587, 592 (1996).

[6] Quimsing v. Bugho, 79 SCRA 151, 154 (1977).

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