CHRISTOPHER D. MANAOG, COMPLAINANT, VS. ARNEL JOSE A. RUBIO AND EDGAR C. SURTIDA II, BOTH SHERIFF IV, REGIONAL TRIAL COURT, NAGA CITY, RESPONDENTS.

A.M. No. P-08-2521 (Formerly OCA I.P.I. No. 05-2329-P). February 13, 2009

Ponente: NACHURA, J.

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NACHURA, J.:

The instant controversy arose from a Complaint dated November 14, 2005 and docketed as OCA I.P.I No. 05-2329-P for misconduct, unethical behavior, verbal abuse, manhandling, grave threat, grave/serious oral defamation, harassment, abuse and usurpation of judicial power by Christopher D. Manaog against Arnel Jose A. Rubio and Edgar C. Surtida, Sheriff IV, Regional Trial Court (RTC)-Naga City.

In a Resolution[1] dated February 27, 2008, the Third Division of the Court referred the complaint to the Executive Judge of the RTC at Naga City[2] for investigation, report and recommendation. Thereafter, the case was referred to the Office of the Court Administrator (OCA), also for evaluation, report and recommendation.[3]

As summarized by the Investigating Judge, the facts are as follows:

The complainant, on October 21, 2005, went to the Office of the Clerk of Court (OCC), RTC, Naga City to secure information on ownership of certain parcels of land, which had been transferred to others allegedly through fraud. He was inquiring at the information counter in the lobby of the Hall of Justice, when respondent Rubio approached him and said, "Digdi" (It's here) after the former saw the documents he had brought with him. The complainant claims the respondent told him that the person whose signature appeared on the said documents was already dead, and whatever records the complainant was looking for were already gone. A discussion followed, culminating in a verbal tussle between them.

The complainant avers that the respondent summoned the guard-on-duty at the Hall of Justice and instructed the latter: "Guard, pahaleon mo ang hayop na taong ini" (Guard, send away this beast!). The respondent proceeded to hurl invectives at the complainant, statements like "Dae ka tatao makipag-olay, hayup ka" (You do not know how to ask for a favor, you beast!). Respondent Surtida, who was unknown to the complainant at the time, also joined the fray, telling the complainant, "Magdigdi ka ta titirahon ta kang di, puta kang hayop ka" (Come here and I will hit you, you vile beast!).

The complainant avers that on October 26, 2005, together with his brother, he returned to the Hall of Justice to verify the identity of the other employee (respondent Surtida) who had joined respondent Rubio in verbally abusing him. While on their way to the office of RTC Branch 25, respondent Rubio shouted at him and said, "Hoy, hoy, ano nakua mo na ang daga mo" (Hey, hey, have you found your land?)? The complainant avers that he merely ignored the taunts from respondent Rubio. The latter, however, refused to keep silent and, in the presence of the court employees, told the complainant, "Maski ka pa mo, raot garo an payo mo" (Whatever, you appear to be a nutcase). The complainant's brother responded, "UP graduate man lang kami" (We are just UP graduates), which statement apparently drew the ire of respondent Rubio, making him retort with the following remark: "Ano

man daa yang UP? Siguro raot an payo kan mga nagkaklase dyan. Maski pa kamo magsurog na duwa, papatulan ko kamo" (What is that UP? I think the students there are also nutcases. Even if both of you would help each other, I will fight you).

In his June 30, 2008 Report, Executive Judge Jaime E. Contreras, RTC, Naga City, found respondents Sheriffs Jose Arnel Rubio and Edgar C. Surtida II liable for conduct prejudicial to the best interest of the service. Judge Contreras recommended the penalty of suspension for one (1) month for Sheriff Rubio and reprimand for Sheriff Surtida, a recommendation joined by the OCA.

The Court agrees with the report of the Executive Judge and OCA.

Time and again, the Court has emphasized the heavy burden of responsibility which court officials and employees are mandated to perform. They are constantly reminded that any impression of impropriety, misdeed or negligence in the performance of official functions must be avoided. This is so because the image of the court of justice is necessarily mirrored in the conduct, official or otherwise, of the men and women who work there. Thus, court employees have been requested 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.[4]

This Court, speaking in Pizarro v. Villegas,[5] held that:

> We stress that the conduct of even minor employees mirrors the image of the courts they serve; thus, they are required to preserve the judiciary's good name and standing as a true temple of justice x x x.

Respondents Rubio and Surtida failed to meet these exacting standards. They have shown lack of decorum, propriety, and respect in their dealing with other people. Their actuations also debased the public's regard for the very institution they represent, thereby warranting administrative sanction. Any conduct that would be a bane to the public trust and confidence reposed in the Judiciary cannot be countenanced.[6]

The Investigating Judge correctly observed that the respondents failed to exercise the necessary prudence in dealing with the complainant. A court employee, even in the face of boorish behavior from those he deals with, ought to conduct himself in a manner befitting a gentleman and an officer of the court. Suffice it to say, respondents did not accord the complainant the respect due him. Respondents Rubio and Surtida could have easily avoided the heated discussion with the complainant had they simply referred him to the OCC.

Respondents Rubio and Surtida should be held liable for conduct unbecoming court employees. Their acts of provoking the complainant constitute behavior wholly unexpected from those in the judicial service. They should be reminded that government service is people-oriented. Patience is an essential part of dispensing justice, civility is never a sign of weakness, and courtesy is a mark of culture and good breeding. Impatience and rudeness have no place in government service in which personnel are enjoined to act with self-restraint and civility at all times.[7]

WHEREFORE, the Court finds Sheriff Jose Arnel Rubio GUILTY of simple misconduct for which he is SUSPENDED from the service for one (1) month and one (1) day without pay with a STERN WARNING that a repetition of the same or similar offense in the future shall be dealt with more severely. The Court also finds Sheriff Edgar C. Surtida II GUILTY of conduct unbecoming a court employee for which he is REPRIMANDED with the STERN WARNING that a repetition of the same or similar offense in the future shall be dealt with more severely.

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SO ORDERED.

Ynares-Santiago, (Chairperson), Austria-Martinez, Chico-Nazario, Nachura, and Peralta, JJ.

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[1] Rollo, p. 33.

[2] Judge Jaime E. Contreras, Executive Judge, Regional Trial Court, Naga City.

[3] Resolution dated August 13, 2008, rollo, p. 123.

[4] Reyes v. Vidor, A.M. No. P-02-1552, December 3, 2002, 393 SCRA 257, 260.

[5] A.M. No. P-97-1243, November 20, 2000, 345 SCRA 42.

[6] In Re: Complaint for Failure to Pay Just Debts against Esther T. Andres, A.M. No. 4004-40-SC, March 1, 2005, 452 SCRA 654, 664.

[7] Jacinto v. Vallarta, A.M. No. MTJ-04-1541, March 10, 2005, 453 SCRA 83, 94.

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