JUDGE NAPOLEON S. DIAMANTE, COMPLAINANT, VS. ANTHONY A. ALAMBRA, RESPONDENT.

A.M. No. P-99-1289. September 21, 2001

Ponente: PARDO, J.

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PARDO, J.:

The case before the Court is a letter-complaint filed by Judge Napoleon S. Diamante, presiding judge, Municipal Trial Court in Cities (MTCC), Branch 3, Bacolod City charging Anthony A. Alambra, Legal Researcher I, Municipal Trial Courts in Cities, Branch 3, Bacolod City, with grave misconduct, serious irregularities in the performance of duties, and conduct unbecoming of a government employee.[1]

On June 22, 1998, Judge Diamante filed with this Court a complaint seeking administrative action for the conduct of respondent who would occasionally report for work while under the influence of liquor.

Complainant alleged that on February 10, 1998, around 2:30 in the afternoon, complainant received a telephone call from a concerned government employee reporting that respondent Alambra was drinking beer at a nearby canteen across the Hall of Justice. Complainant proceeded to the place and found that respondent was drinking with a companion during office hours with at least twelve (12) bottles of beer on the table. He immediately issued Memorandum No. 2 requiring respondent to explain.[2] Upon receipt of the memorandum, respondent crumpled the paper and refused to acknowledge the same.

On February 19, 1998, respondent explained that one or two bottles of beer was not be a cause for concern by the complainant as this would not in anyway impair work efficiency. He apologized with the promise not to do it again.

On June 4, 1998, around 6:00 in the morning, respondent arrived at the Hall of Justice very drunk. As he punched in his time card, he noticed the time difference between the two bundy clocks and angrily exploded as he unplugged the bundy clocks, "these bundy clocks should be destroyed." Later, when Clerk of Court Viveca Natu-el arrived, she also noted that respondent was visibly drunk and advised the latter to go home and sleep it off. Instead of heeding the advice, respondent went inside the courtroom of Judge Lorna Demonteverde of Branch 2 and slept there until 4:30 in the afternoon. This fact was reported by Judge Demonteverde herself.

On June 5, 1998, respondent left at around 10:00 in the morning for allegedly not feeling well.

On June 8, 1998, respondent reported for work very early. Notwithstanding the fact that he was not authorized to open the doors of the office, he entered the staff room, where important documents, records and decisions newly typed and to be typed were safely kept by borrowing a key from a casual janitor. It was discovered that some pages of the draft decision for typing disappeared. On the same day, complainant issued two (2) memoranda:

- requiring respondent to explain why he slept inside the courtroom of Judge Demonteverde during office hours of June 4, 1998;[3]

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- requiring respondent to explain why he should not be administratively charged for opening the staff room of MTCC Branch 3 without authority resulting in the loss of a draft decision.[4]

On June 9, 1998, complainant verbally instructed respondent to desist from preparing the court calendar as a measure to prevent respondent from having access to court records.

Hence, this complaint.[5]

On December 8, 1999, we referred the complaint to the Executive Judge, Regional Trial Court, Bacolod City for investigation, report and recommendation.[6]

On May 15, 2000, Judge Edgar G. Garvilles submitted his Report and Recommendation.[7] Pertinent portions are quoted as follows:

> "xxx It is beyond dispute that respondent was caught red handed drinking beer at 3:00 o'clock or during office hours in the afternoon of February 10, 1998 at the DOLE canteen just across the street from the Bacolod Hall of Justice. Alambra in fact admitted to have taken a bottle which he described as just like "taking softdrinks for snacks, when taken moderately. However, complainant actually described on him partaking twelve (12) bottles with a friend in the presence of another employee of the MTCC. This was confirmed by Rey Gayas who was tending the canteen himself. Respondent's state of drunkenness when he returned to the Hall of Justice at 4:45 p.m. was noticed by the Building Administrator Vincent Solis when he (Alambra) barged into his office and rudely demanded, short of shouting, that water be provided the faucet of MTCC Branch 3, when there was water after all. When handed Memorandum No. 2, on his drinking during office hours of February 10, respondent crumpled the copy and threw it inside a wastebasket - an act of disrespect to his Judge and open disregard of the nature of the memorandum which is an official document.
>
> "Put together, the preceding acts of respondent, as adequately proven by complainant's evidence, are more than sufficient basis for us to conclude that indeed respondent is guilty of less grave offense of simple misconduct and conduct unbecoming of a government employee. xxx"

On June 28, 2000, we noted the report of the investigating Judge.[8] On January 17, 2001, we referred this case to the Court Administrator for evaluation, report and recommendation.[9]

The acting Court Administrator, in a memorandum dated May 9, 2001, recommended the suspension of respondent Alambra for three (3) months without pay for simple misconduct and conduct unbecoming of a government employee. The acting Court Administrator also recommended that complainant Judge Diamante be admonished for preventively suspending respondent without authority.[10]

We agree with the findings of the investigating judge and the acting Court Administrator.

It must be borne in mind that -

> "Verily, the image of a court of justice is necessarily mirrored in the conduct, official or otherwise, of the men and women, from the judge to the least and lowest of its personnel, hence, it becomes the imperative sacred duty of each and everyone in the court to maintain its good name and standing as a true temple of justice."[11]

All too often, this Court has declared that any act which falls short of the exacting standards for public office, especially on the part of those expected to preserve the image of the judiciary, shall not be countenanced.[12] To reiterate, public office is a public trust. Public officers must at all times be accountable to the people, serve them with utmost degree of responsibility, integrity, loyalty and efficiency.[13] Respondent's habit of drinking liquor and sleeping during office hours violated Supreme Court Administrative Circular No. 5, dated October 4, 1988,[14] which requires that the entire time of judicial officials and employees must be devoted to government service.

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However, the loss of some pages of draft decisions of Judge Diamante on June 8, 1998 has not been proven to be attributable to the respondent. The fact that respondent reported for work ahead of the employee in-charge of opening the office did not necessarily prove that he was responsible for any loss.

CSC Memorandum Circular No. 30 series of 1989 enumerates the corresponding penalties for administrative cases pursuant to the Code of Ethical Standards (Republic Act No. 6713). Simple misconduct, classified as a less grave offense, carries a penalty of suspension from office for one (1) month and one (1) day to six (6) months for the first violation. The penalty must be imposed in its maximum period because of respondent's insolence in defying the warnings of the complaining judge.

With respect to complainant's act of imposing preventive suspension on respondent, the acting Court Administrator found that he acted without authority because Supreme Court Circular No. 30-91, provides that the preventive suspension of a court employee charged with grave or less grave offenses shall be referred to the Supreme Court for appropriate action.

ACCORDINGLY, the Court finds respondent Anthony A. Alambra, Legal Researcher, Municipal Trial Court in Cities, Bacolod City, Branch 3, guilty of simple misconduct in office and suspends him from office for six (6) months without pay, effective immediately upon receipt hereof. He is also WARNED that a repetition of similar acts would be dealt with more severely. The Court admonishes Judge Napoleon S. Diamante to take note that he did not have authority to preventively suspend the respondent.

SO ORDERED.

Davide, Jr., C.J., (Chairman), Puno, Kapunan, and Ynares-Santiago, JJ., concur.

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[1] Formerly OCA I. P. I. No. 98-485-P, Rollo, pp. 1-6.

[2] Complaint, Annex "L", Rollo, p. 21.

[3] Complaint, Annex "M", Rollo, p. 22.

[4] Complaint, Annex "N", Rollo, p. 23.

[5] Filed on June 22, 1998.

[6] Rollo, pp. 62-63.

[7] Rollo, pp. 870-884.

[8] Rollo, p. 885.

[9] Ibid., p. 886.

[10] Rollo, pp. 887-893.

[11] Antonio Yu-Asensi v. Judge Francisco D. Villanueva, MTC, Branch 36, Quezon City, 322 SCRA 255, 270 [2000], citing Re: Report on Audit and Physical Inventory of the Records of Cases in MTC of Peñaranda, Nueva Ecija, 342 Phil. 219 [1997].

[12] Re: Absence Without Official Leave (AWOL) of Antonio Macalintal, Process Server, Office of the Clerk of Court, 325 SCRA 430, 433 [2000].

[13] Ibid., citing Rangel-Roque v. Rivota, 362 Phil. 136, 148-149 [1999].

[14] Supreme Court Circulars, Orders, Resolutions, October 1999, Compilation, pp. 117-118.

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