

PEDRO MAGNAYE, COMPLAINANT, VS. ERIBERTO R. SABAS, CLERK OF COURT IV, MTCC, PUERTO PRINCESA CITY, RESPONDENT.

A.M. No. P-02-1615. April 29, 2003

Ponente: YNARES-SANTIAGO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/41eaa7a94e62/>

YNARES-SANTIAGO, J.:

On November 27, 1995, the spouses Pedro and Lorenza Magnaye filed an action for damages and easement of right of way against Macario Lagan, Jr., Francisco Rañada and Jesus Valdeztamon, which was docketed as Civil Case No. 1353 at the Municipal Trial Court in Cities of Puerto Princesa City.[1]

Judgment was rendered on November 24, 1997 as follows:

WHEREFORE, premises considered, judgment is hereby rendered in favor of plaintiffs and against defendant Macario Lagan, Jr.; ordering him to provide, by all means, plaintiffs with an adequate outlet to a public highway. As the right of way has now been disposed of, Macario Lagan, Jr., is hereby ordered to either repurchase the same from their present owners or find any other way of providing a right of way for the plaintiffs. Lagan is further ordered to pay plaintiffs litigation expenses in the amount of five thousand pesos (P5,000.00).

Should Lagan opt to repurchase the right of way, defendants Francisco Rañada and Jesus Valdeztamon are hereby ordered to resell to Lagan a portion of their lots that used to form part of the right of way.

SO ORDERED.[2]

Subsequently, upon motion of complainant Pedro Magnaye, a Special Order was issued directing defendant Rañada to remove his concrete fence in order to give complainant a two-meter wide right of way pursuant to the decision.[3] However, the decision was never executed.

Meanwhile, Civil Case No. 1353 was dismissed on the ground that the court had no jurisdiction over the subject matter of the action. The Municipal Trial Court ruled that while judgment has already been rendered, the judgment was nonetheless void and subject to attack at anytime.[4]

Thus, complainant went to see respondent Eriberto R. Sabas, Clerk of Court of the Municipal Trial Court in Cities, Puerto Princesa City. Respondent agreed to conduct an ocular inspection of the site. On October 10, 1999, respondent went to visit complainant[5] who reiterated his request for the enforcement of the decision. Respondent stated in exasperation, “Putang ina mo, napakatigas ng ulo mo!”[6] This statement, made in the presence of complainant’s wife, shocked and embarrassed him.[7]

Thus, complainant filed an Affidavit-Complaint, charging respondent with Conduct Unbecoming A Public Official and Discourtesy.

In his Comment, respondent alleged that complainant has a penchant for lying; that while the decision of the trial court granted him a right of way, it did not specify that the same must be two meters wide; that complainant had

already been granted a one and half meter-wide right of way; that during the proceedings, the trial judge found out that what complainant really wanted was an easement of drainage; that complainant built a fence, a culvert and a concrete canal along the right of way, and he got angry when respondent told him he should not have done that because the right of way did not belong to him; that respondent repeatedly explained to complainant that the decision did not state that the right of way must be two meters wide, but the latter insisted that the structure thereon be demolished; and that in his exasperation, respondent uttered the words, "Napakatigas talaga ng ulo mong matanda ka. Ang hirap mong paliwanagan. Sa ginawa mong iyan ay lumikha ka na naman ng panibagong kaso. Tiyak na kakasuhan ka niyan ng may-ari ng lupa."

In compliance with Resolution dated November 14, 2001, both parties manifested their willingness to submit the instant case for resolution based on the pleadings.

Meanwhile, respondent retired on September 26, 2001; however, he has not received any retirement benefits in view of the pendency of three administrative cases filed against him.

After evaluation, the Office of the Court Administrator found that respondent failed to act with self-restraint and civility when he lost his temper and uttered unsavory remarks at the complainant. Thus, it was recommended that the respondent be reprimanded and warned that a repetition of the same offense shall be dealt with more severely.

We agree with the recommendation of the Court Administrator.

An employee of the judiciary is expected to accord respect for the person and rights of others at all times, and his every act and word must be characterized by prudence, restraint, courtesy and dignity. Government service is people-oriented where high-strung and belligerent behavior is not allowed. No matter how commendable respondent's motives may be, as a public officer, courtesy should be his policy always.[8]

Under Rule XIV, Section 23 of the Rules Implementing Book V of Executive Order No. 292, Discourtesy in the Course of Official Duties is considered a light offense, and the first infraction is punished with a reprimand. We have imposed the penalty of reprimand on first-time offenders who were found guilty of discourtesy.[9] In the case at bar, respondent is likewise a first-time offender; hence, we shall impose upon him the same penalty of reprimand.

WHEREFORE, premises considered, respondent Eriberto R. Sabas, Clerk of Court IV of the Municipal Trial Court in Cities, Puerto Princesa City, is hereby found GUILTY of Conduct Unbecoming A Public Official and of Discourtesy. Accordingly, he is REPRIMANDED and warned that a repetition of the same or similar act will be dealt with more severely.

SO ORDERED.

Davide, Jr., C.J. (Chairman), Vitug, Carpio, and Azcuna, JJ., concur.

[1] Respondent's Annex "D".

[2] Complainant's Annex "A".

[3] Complainant's Annex "C".

[4] Complainant's Annex "D".

[5] Affidavit-Complaint, at 1.

[6] Id., at 1; Respondent's Comment, at 6.

[7] Affidavit-Complaint, at 1.

[8] *Amane v. Mendoza-Arce*, A.M. No. P-94-1080, 19 November 1999, citing *Macalua v. Tiu, Jr.*, A.M. No. P-97-1236, 11 July 1997.

[9] *Perez v. Cunting*, A.M. No. P-02-1630, 27 August 2002; *Paras v. Lofranco*, A.M. No. P-01-1469, 26 March 2001, 355 SCRA 49.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.