

ERLINDA C. POLICARPIO, COMPLAINANT, VS. ARMANDO E. FORTUS, CLERK III, REGIONAL TRIAL COURT, BRANCH 39, CALAPAN, ORIENTAL MINDORO, RESPONDENT.

A.M. No. P-95-1114. September 18, 1995

Ponente: PUNO, J.

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PUNO, J.:

In a sworn letter-complaint filed on September 9, 1994, complainant Erlinda C. Policarpio charged respondent Armando E. Fortus, Clerk III, Regional Trial Court, Branch 39, Calapan, Oriental Mindoro with extortion, dishonesty, abuse of authority, misconduct and acts unbecoming an employee of the judiciary.

This complaint arose in connection with Petition No. 16,765 entitled "In Re: Petition for Correction of Lot Number Appearing in TCT No. T-55455. Conrado Marasigan, Petitioner" filed before the Regional Trial Court, Branch 39, Calapan, Oriental Mindoro. On August 25, 1994, complainant, as the alleged authorized representative of petitioner Conrado Marasigan, went to the Regional Trial Court to follow up the status of the petition for correction. She approached respondent and sought his assistance to expedite the approval of said petition. Respondent informed her that no Certificate of Posting was as yet attached to the records of the case and so he asked for one hundred pesos, (P100.00), to defray expenses for posting of the notice of hearing. Complainant gave him the one hundred pesos, (P100.00).

On August 30, 1994, the trial court found all the jurisdictional requirements to have been complied with, gave due course to the petition and directed the Clerk of Court to receive petitioner Marasigan's evidence which Marasigan, through counsel, presented on the same day.

In the afternoon of the same day, complainant approached respondent and asked for a copy of the order granting the petition. Respondent, however, informed her that no such order was made by the presiding judge. Complainant returned on September 1, 1994 insisting for a copy of the order. Respondent referred her to the court stenographer, Mrs. Lucita B. Aquino who likewise told her that no order had been given by the judge.[1] Complainant went home to Pinamalayan, seventy (70) kilometers from Calapan, but returned the following day, September 2. She learned from respondent that the judge granted the petition earlier that day but that the written order was still being prepared by the court stenographer. Complainant returned in the afternoon and learned from respondent that the written order was already prepared but not yet signed because the judge unexpectedly left for Manila to attend to very urgent personal matters. Complainant got irritated and reminded respondent of the one hundred pesos, (P100.00), she gave him. Hearing this, respondent pointed his finger at her and angrily replied: "Huwag mo akong pagbintangan na humihingi sa iyo ng isang daan, wala akong napakinabang sa isang daan mo, baka gusto mong i-dismiss ang kasong iyan? Kung gusto mo, idemanda mo ako!"[2]

Complainant allegedly felt insulted and cried and within a few seconds, felt dizzy "dahil nagsikip ang dibdib ko." [3]

In his Comment dated October 7, 1994, respondent claimed that it was the process server, not he, who asked for

the one hundred pesos, (P100.00), and that it was complainant who arrogantly initiated and uttered these words: "Wala ka palang kuwentang kausap. Sayang ang P100.00 na ibinigay ko sa 'yo para sa posting, balasubas ka pala." To this, respondent replied: "Mrs., nakita mo nang ibinigay ko sa process server ang iyong P100.00. Hindi iyon para sa akin, iyon ay kanya, bayad mo sa posting." Complainant retorted: "Kahit walang pirma ang order ay bigyan mo ako, kung hindi ay ihahabla kita sa Supreme Court." Respondent dared her and said "Bahala ka kung gusto mo akong ihabla, wala akong magagawa." [4]

On January 25, 1995, we referred the case to the Executive Judge of the Regional Trial Court of Calapan for investigation, report and recommendation. The parties and their respective witnesses were heard before the investigating judge who submitted his report on April 5, 1995.

We agree with the finding of the investigating judge that the charges of extortion, dishonesty and abuse of authority and misconduct against respondent must be dismissed.

The one hundred pesos, (P100.00), given by complainant was actually handed over by respondent to the process server to reimburse transportation and other expenses he incurred in posting the notice of hearing of the petition in the place where the land subject of the case was located, i.e., in Pinamalayan, Oriental Mindoro, seventy (70) kilometers away from Calapan. This was attested to by the process server himself, Benito T. Martinez, Jr., who likewise produced the Certificate of Posting as proof of compliance with such requirement. [5]

Nevertheless, the fact that respondent kindly accommodated and assisted complainant in expediting the petition for correction cannot be used as an excuse to condone his subsequent conduct.

It is the policy of the state to promote a high standard of ethics in the public service. [6] Public officials and employees are under obligation to perform the duties of their offices honestly, faithfully and to the best of their ability. They, as recipients of the public trust, should demonstrate courtesy, civility and self-restraint in their official actuations to the public at all times even when confronted with rudeness and insulting behavior. Losing one's temper by loudly uttering unsavory remarks and pointing a finger at a litigant or any other person for that matter exhibits a failure on the part of respondent to act with self-restraint and civility. High-strung and belligerent behavior has no place in the government service; [7] especially when done at the workplace and during working hours, such conduct shows discourtesy and disrespect not only towards the public but to the court as well. [8]

The court is looked upon by people with high respect and is regarded a sacred place where litigants are heard, rights and conflicts settled and justice solemnly dispensed. Misbehavior within or around the vicinity diminishes its sanctity and dignity. The conduct and behavior required of every court personnel, from the presiding judge to the lowliest clerk, must always be beyond reproach and circumscribed with the heavy burden of responsibility. Their conduct must at all times be characterized by, among other things, propriety and decorum so as to earn and keep the public's respect and confidence in the judicial service. [9]

IN VIEW WHEREOF, the court finds respondent Armando E. Fortus to have engaged in discourteous acts improper of an employee of the judiciary and therefore imposes on him a fine in the amount of one thousand pesos (P1,000.00) with a warning that any repetition of the same or similar acts will be dealt with more severely. The rest of the charges are dismissed.

SO ORDERED.

Narvasa, C.J., (Chairman), Regalado, Mendoza, and Francisco, JJ., concur.

[1] Rollo, p. 11.

[2] Rollo, p. 2.

[3] Rollo, p. 2.

[4] Rollo, p. 9.

[5] Rollo, p. 13; Annex "C" to the Comment, p. 1.

[6] Code of Conduct and Ethical Standards for Public Officials and Employees, R.A. 6713, Sec. 2.

[7] Penalosa v. Viscaya, Jr., 84 SCRA 298 [1978]; Flores v. Ganaden, 61 SCRA 216 [1974].

[8] Tablate v. Tanjutco-Seechung, 234 SCRA 161 [1994].

[9] Tablate v. Tanjutco-Seechung, *supra*, at 167; Gano v. Leonen, 232 SCRA 98 [1994]; Lloveras v. Sanchez, 229 SCRA 302 [1994]; Mirano v. Saavedra, 225 SCRA 77 [1993].

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